

TITLE 470 DIVISION OF FAMILY AND CHILDREN

NOTE: Under IC 12-1-1-1, the name of the State Department of Public Welfare is changed to Division of Family and Children, effective January 1, 1992.

ARTICLE 1. GENERAL ADMINISTRATIVE RULES

Rule 1. Definitions

470 IAC 1-1-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-7-2

Sec. 1. Definitions. The definitions of the following terms as used in these rules and regulations [470 IAC] unless a different meaning appears from the context, are the same as set forth in Section 1 of The Welfare Act of 1936, as amended: "state department", "state board", "administrator", "county department", "county board", "county director", "public welfare", "grant-in-aid", "applicant", "recipient", "assistance", "dependent child", "child welfare services", "crippled child" and "warrant". (*Division of Family and Children; Definitions; filed Mar 27, 1946, 11:30 am; Rules and Regs. 1947, p. 1771; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 2. County Departments of Public Welfare

470 IAC 1-2-1 Delegation of rights, powers and duties by county board (Repealed)

Sec. 1. (*Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412*)

470 IAC 1-2-2 Reports to state welfare department (Repealed)

Sec. 2. (*Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412*)

470 IAC 1-2-3 Claims against county welfare department; authorization (Repealed)

Sec. 3. (*Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412*)

470 IAC 1-2-4 Vacancy in position of county welfare director; acting director (Repealed)

Sec. 4. (*Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412*)

470 IAC 1-2-5 Effective dates of salary increases for employees of county welfare departments; eligibility for reimbursement (Repealed)

Sec. 5. (*Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412*)

470 IAC 1-2-6 Prompt payment of salaries due employees; waiver (Repealed)

Sec. 6. (*Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412*)

470 IAC 1-2-7 Confidential nature of assistance records; disclosure

Authority: IC 12-13-5-3

Affected: IC 12-13-7-3; IC 12-13-7-4

Sec. 7. Confidential Nature of Assistance Records. The case records and other information concerning applicants and recipients of assistance, under the Welfare Act of 1936, as amended, are confidential and their disclosure or use shall be confined

to purposes directly connected with the administration of assistance.

Sec. 1(k), Welfare Act; Sec. 1, Ch. 349, Acts 1945; Burns 52-1001.

Sec. 5(f), Welfare Act; Sec. 3, Ch. 349, Acts 1945; Burns 52-1104.

Sec. 14, Welfare Act; Sec. 14, Ch. 3, Acts 1936; Burns 52-1113.

Sec. 14a, Welfare Act; Sec. 2, Ch. 200, Acts 1947; Burns 52-1113a.

Sec. 93, Welfare Act; Sec. 1, Ch. 321, Acts 1951; Burns 52-1262.

Sec. 93a, Welfare Act; Sec. 1, Ch. 321, Acts 1951; Burns 52-1262a.

Sec. 93b, Welfare Act; Sec. 1, Ch. 321, Acts 1951; Burns 52-1262b. *(Division of Family and Children; Title 1, Ch 1, Reg 1-107; filed Aug 21, 1951, 1:48 pm: Rules and Regs. 1952, p. 371; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 1-2-8 Fixing amount of official bonds of directors of public welfare

Authority: IC 12-13-5-3

Affected: IC 12-19-1-6

Sec. 8. Fixing Amount of Official Bonds of County Directors of Public Welfare. Official bonds of county directors of public welfare upon appointment are hereby fixed as follows:

(a) In counties having a population of less than 100,000 according to the last United States Census \$5,000.

(b) In counties having a population of 100,000 or more according to the last United States Census \$10,000.

Sec. 20, Welfare Act; Sec. 2, Ch. 288, Acts 1951; Burns 52-1119 *(Division of Family and Children; Title 1, Ch 1, Reg 1-108; filed Jun 2, 1952, 10:30 am: Rules and Regs. 1953, p. 238; filed May 22, 1987, 12:45 pm: 10 IR 2276, eff Jul 1, 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 3. Personnel

470 IAC 1-3-1 Use and disclosure of personal information; limitations

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6

Sec. 1. Use and Disclosure of Personal Information. The use and disclosure of information concerning a data subject of a personal information system maintained by the Indiana state department of public welfare is limited to purposes directly connected with:

(1) The administration of the plan or program approved under parts A, B, C or D of title IV or under titles II, X, XIV, XVI, XIX, or XX or the federal Social Security Act or the supplemental security income program established under title XVI of the federal Social Security Act;

(2) Any investigations, prosecution or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and

(3) The administration of any other federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need;

These safeguards shall also prohibit disclosure to any committee or legislative body (Federal, State or local) of any information that identifies by name or address any such applicant or recipient;

(4) The use and disclosure of personal information concerning a data subject shall be limited to the purposes described in this regulation unless otherwise ordered by a court of competent jurisdiction.

IC 12-1-2-2(c) *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*

IC 12-1-2-3(f) *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Division of Family and Children; Title 1, Ch 2, Reg 1-201; filed Nov 14, 1977, 8:49 am: Rules and Regs. 1978, p. 746; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 1-3-2 Access to personal information by a data subject; written request; inspect and receive records

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6-2; IC 4-1-6-3

Sec. 2. Access to Personal Information by a Data Subject. Unless otherwise prohibited by law, upon written request on a form approved by the Indiana state department of public welfare and upon furnishing proper identification, a person who is a data subject of a personal information system maintained by the state department of public welfare may inspect and receive, at reasonable standard charges for document search and duplication, all personal information about the data subject. If the requested documents contain information concerning any individual other than the data subject, the Indiana state department of public welfare may delete this information from that which is made available to the data subject.

Upon such request, the Indiana state department of public welfare shall provide the data subject with the nature and the sources of the personal information provided to the data subject unless the confidentiality of such sources is required by statute. When requested, the Indiana state department of public welfare shall also provide the data subject with (1) the names and addresses of any party previously receiving personal information of a confidential nature about the data subject other than those parties with regular access authority, and (2) the date, nature and purpose of such disclosure.

IC 4-1-6-2

IC 4-1-6-3

IC 12-1-2-2(c) [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-3(f) [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Division of Family and Children; Title 1, Ch 2, Reg 1-202; filed Nov 14, 1977, 8:49 am: Rules and Regs. 1978, p. 747; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 1-3-3 Correction and review of personal information by data subject; procedure

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6-3

Sec. 3. Correction and Review of the Indiana State Department of Public Welfare's Personal Information System by a Data Subject. If a data subject of a personal information system maintained by the Indiana state department of public welfare gives written notice on a form approved by the Indiana state department of public welfare that he wishes to challenge, correct or explain information about him contained in the personal information system, the following procedures shall be followed:

- (1) The Indiana state department of public welfare shall investigate and record the current status of that personal information;
- (2) If, after such investigation, such information is found to be incomplete, inaccurate, not pertinent, not timely or not necessary to be retained, it shall be promptly corrected or deleted;
- (3) If the investigation does not resolve the dispute, the data subject may file a statement of not more than two hundred (200) words upon a form approved by the Indiana state department of public welfare setting forth his position;
- (4) Whenever a statement of dispute is filed, the Indiana state department of public welfare shall supply any previous party receiving personal information of a confidential nature about the data subject with a copy of the statement and, in any subsequent dissemination or use of the information in question, clearly mark that it is disputed and supply the statement of the data subject along with the information;
- (5) Following any correction or deletion of personal information the agency shall, at the request of the data subject, furnish to parties, who previously received personal information of a confidential nature about the data subject, notification delivered to their last known address that the item has been deleted or corrected and shall require said parties to acknowledge receipt of such notification and furnish the data subject the names and last known addresses of all parties, previously receiving the uncorrected or deleted personal information about the data subject;
- (6) A copy of this regulation shall appear on or accompany the DPW Form which allows data subject to request to inspect or review personal information on himself.

IC 4-1-6-3

IC 12-1-2-2(c) [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-3(f) [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Division of Family and Children; Title 1, Ch 2, Reg 1-203; filed Nov 14, 1977, 8:49 am: Rules and Regs. 1978, p. 748; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 1-3-4 Regular access authority to personnel records of state welfare department; limitation

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6-2

Sec. 4. Regular Access Authority to Personnel Records of the Indiana State Department of Public Welfare. Except as otherwise provided by state or federal law or applicable State or federal regulation, regular access to personnel folders and employment related records concerning individual employees of the State Department of Public Welfare should be limited to the following persons: the employee or his authorized representative, the Administrator, the Personnel Officer and members of his staff, the Division Director and such other personnel as may exercise supervisory authority over the employee within the organizational structure of the Department.

IC 4-1-6-2

IC 12-1-2-2 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-3 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Division of Family and Children; Title 1, Ch 2, Reg 1-204; filed Nov 14, 1977, 8:50 am: Rules and Regs. 1978, p. 793; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 1-3-5 Employee working hours; lunch hour; time sheet (Repealed)

Sec. 5. (Repealed by Division of Family and Children; filed Oct 10, 1985, 9:38 am: 9 IR 212)

470 IAC 1-3-6 Employee illness or injury; report of absence from work (Repealed)

Sec. 6. (Repealed by Division of Family and Children; filed Oct 10, 1985, 9:38 am: 9 IR 212)

470 IAC 1-3-7 Leave without pay (Repealed)

Sec. 7. (Repealed by Division of Family and Children; filed Oct 10, 1985, 9:38 am: 9 IR 212)

Rule 4. Administrative Appeals

470 IAC 1-4-1 Purpose

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13

Sec. 1. (a) It is the purpose of this rule to establish a uniform method of administrative adjudication within the division of family and children in order to determine whether or not any action complained of was done in accordance with federal and state statutes, regulations, rules, and policies. As used in this rule, "policies" includes program manuals, administrative directives, transmittals, and other official written pronouncements of state or federal policy.

(b) This rule shall be construed in such a manner as to provide all parties with an adequate opportunity to be heard in accordance with due process of law. As used in this rule, "party" means:

(1) a person or entity to whom the agency action is specifically directed;

(2) the division of family and children; or

(3) the county office of family and children.

(c) In the event that any provision of this rule is deemed to be in conflict with any other provision of federal or state statute, regulation, or rule that is specifically applicable to any program being appealed hereunder, then such other statute, regulation, or rule shall supersede that part of this rule in which the conflict is found. (Division of Family and Children; 470 IAC 1-4-1; filed May 22, 1987, 12:45 p.m.: 10 IR 2277, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3073; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 1-4-2 Standing

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13

Sec. 2. (a) In the event that the rights, duties, obligations, privileges, or other legal relations of any person or entity are required or authorized by law to be determined by the division of family and children or any county office of family and children,

then such person or entity may request, as provided for in section 3 of this rule, an administrative hearing under this rule. The person or entity requesting the hearing shall be known as the appellant.

(b) Unless otherwise provided for by law, only those persons or entities, or their respective attorneys at law, whose rights, duties, obligations, privileges, or other legal relations are alleged to have been adversely affected by any action or determination by the division of family and children or any county office of family and children, may request an administrative hearing under this rule. Any alleged harm to an appellant must be direct and immediate to the appealing parties and not indirect and general in character. (*Division of Family and Children; 470 IAC 1-4-2; filed May 22, 1987, 12:45 p.m.: 10 IR 2278, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3074; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 1-4-3 Filing an appeal; scheduling appeals

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-21.5; IC 12-13

Sec. 3. (a) Any party complaining of any division action in accordance with this rule may file a request for an administrative hearing as provided in this section.

(b) Unless otherwise provided for by statute, regulation, or rule, appeal requests by recipients or applicants shall be filed in writing with the county office of family and children, the division of family and children, or the hearings and appeals section of the family and social services administration not later than thirty (30) days following the effective date of the action being appealed. Applicant and recipient appeal hearings shall be conducted at a reasonable time, date, and place.

(c) Unless otherwise provided for by statute, regulation, or rule, appeal requests by licensees or prospective licensees shall:

- (1) be filed in writing by the aggrieved party or its attorneys at law;
- (2) set out each objection to the division's actions as well as cite the legal reasons therefor; and
- (3) be delivered to the division of family and children within thirty (30) days after receipt of the initial notice upon which the appeal is premised.

Failure to state objections and the legal reasons therefor, in a timely manner, shall be deemed a waiver of such objections. Licensee appeal hearings will be conducted in Indianapolis, Indiana unless the appellant is otherwise notified.

(d) Appeals by Medicaid applicants and recipients concerning Medicaid eligibility or services shall be filed and conducted in accordance with rules promulgated by the office of [*sic., the*] secretary of family and social services under 405 IAC. Medicaid provider appeals shall be filed and conducted in accordance with rules promulgated by the office of [*sic., the*] secretary of family and social services under 405 IAC and the provisions of IC 4-21.5.

(e) All requests for income withholding appeals by child support obligors in Title IV-D cases shall be made and all income withholding appeal hearings shall be conducted in accordance with the provisions of IC 31-2-10 [*IC 31-2 was repealed by P.L. 116-1996, SECTION 9, effective July 1, 1997.*]. Child support income withholding hearings will be conducted in Indianapolis, Indiana, unless the obligor is otherwise notified.

(f) The division of family and children or the hearings and appeals section of the family and social services administration, upon application of any party, or in its own discretion, may consolidate appeals to promote administrative efficiency. Hearings may only be consolidated in cases in which the sole issue involved is one of federal or state law or policy.

(g) Any party filing an appeal under this rule is not excused from exhausting all interim procedures that may be required by statute or rule for administrative review prior to the filing of an appeal. Any issues not preserved in a timely manner within the interim review procedures are waived and shall not be an issue during the evidentiary hearing.

(h) The director of the division of family and children is responsible for the appointment of administrative law judges to conduct hearings under this rule. The division of family and children or the hearings and appeals section of the family and social services administration will schedule evidentiary hearings and issue notices to the parties regarding the date, time, and location of the scheduled hearing.

(i) Continuance of a hearing will be granted only for good cause shown. An objection to a request for a continuance shall be considered before a continuance is granted or denied. Requests for a continuance shall be in writing and accompanied by adequate documentation of the reasons for the request. Good cause includes:

- (1) inability to attend the hearing because of a serious physical or mental condition;
- (2) incapacitating injury;
- (3) death in the family;
- (4) severe weather conditions making it impossible to travel to the hearing;

- (5) unavailability of a witness and the evidence cannot be obtained otherwise; or
- (6) other reasons similar to those listed in this section.

If the appellant is represented by counsel, the request for continuance must also include alternative dates for the scheduling of a new hearing. However, a new hearing may be scheduled without respect to the requested date if such date cannot be accommodated or confirmed with the requesting attorney within a reasonable time of the request. (*Division of Family and Children; 470 IAC 1-4-3; filed May 22, 1987, 12:45 p.m.: 10 IR 2278, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3074; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 1-4-4 Conduct and authority of administrative law judge

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13

Sec. 4. (a) An administrative law judge's (ALJ) conduct shall be in a manner that promotes public confidence in the integrity and impartiality of the administrative hearing process. The ALJ who conducts a hearing is prohibited from:

- (1) consulting any party or party's agent on any fact in issue unless upon notice and opportunity for all parties to participate;
- (2) performing any of the investigative or prosecutorial functions of the agency in the administrative action heard or to be heard by him or her or in a factually related administrative or judicial action;
- (3) being influenced by partisan interests, public clamor, or fear of criticism;
- (4) conveying or permitting others to convey the impression that they are in a special position to influence the ALJ;
- (5) commenting publicly, except as to hearing schedules or procedures, about pending or impending proceedings; or
- (6) engaging in financial or business dealings that tend to:
 - (A) reflect adversely on his or her impartiality;
 - (B) interfere with the proper performance of his or her duties;
 - (C) exploit the ALJ's position; or
 - (D) involve the ALJ in frequent financial business dealings with attorneys or other persons who are likely to come before the ALJ.

(b) An ALJ shall disqualify himself or herself in a proceeding in which his or her impartiality might reasonably be questioned, or in which the ALJ's personal bias, prejudice, or knowledge of a disputed evidentiary fact might influence the decision. Nothing in this subsection prohibits a person who is an employee of an agency from serving as an ALJ.

(c) The ALJ shall be authorized to:

- (1) administer oaths and affirmations;
- (2) issue subpoenas;
- (3) rule upon offers of proof;
- (4) receive relevant evidence;
- (5) facilitate discovery in accordance with the Indiana rules of trial procedure;
- (6) regulate the course of the hearing and conduct of the parties;
- (7) hold informal conferences for the settlement or simplification of the issues under appeal;
- (8) dispose of procedural motions and similar matters; and
- (9) exercise such other powers as may be given by the law relating to the particular program area under appeal.

(*Division of Family and Children; 470 IAC 1-4-4; filed May 22, 1987, 12:45 p.m.: 10 IR 2278, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3075; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 1-4-5 Conduct of hearing; hearing decision

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13

Sec. 5. (a) The administrative law judge (ALJ) shall conduct the hearing in an informal manner and without recourse to the technical common law rules of evidence.

(b) The ALJ shall exclude from consideration irrelevant, immaterial, or unduly repetitious evidence.

(c) Every party shall have the right to submit evidence. In the event that an objection to evidence is sustained, the party proffering the evidence may make an offer of proof. Each party shall have the right to cross-examine the witnesses and offer

rebutting evidence.

(d) Following the completion of the hearing, or after the submission of briefs by the parties (if briefing is permitted by the ALJ), the ALJ shall issue his or her decision in the matter concurrently to the parties. The decision shall be final unless a party requests agency review of the decision in accordance with this rule. The decision of the ALJ in a food stamp intentional program violation hearing or an aid to families with dependent children (AFDC) intentional program violation hearing is a final agency decision.

(e) The ALJ's decision shall:

- (1) include findings of fact;
- (2) specify the reasons for the decision; and
- (3) identify the evidence and statutes, regulations, rules, and policies supporting the decision.

(f) The findings of fact need not include a recitation of every piece of evidence admitted in the evidentiary hearing. Rather, the findings should contain the basic facts that have formed the basis for the ALJ's ultimate decision. The decision must demonstrate a rational connection between the basic facts found by the ALJ and the ALJ's ultimate decision. The ALJ's decision must also cite the relevant laws upon which the ultimate decision is based, and relate the facts to the law. (*Division of Family and Children; 470 IAC 1-4-5; filed May 22, 1987, 12:45 p.m.: 10 IR 2279, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3076; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 1-4-6 Agency review

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13

Sec. 6. (a) Except for food stamp intentional program violation hearings and aid to families with dependent children intentional program violation hearings, any party who is not satisfied with the decision of the administrative law judge (ALJ) may request agency review of the decision within ten (10) days of receipt thereof in accordance with instructions issued with the decision.

(b) After receiving a request for agency review of a hearing decision, the division of family and children or the hearings and appeals section of the family and social services administration shall notify all parties when the decision will be reviewed. The agency review shall be completed by the division director or the director's designee. All such reviews shall be conducted upon the record, as defined in section 7 of this rule, except that a transcript of the oral testimony shall not be necessary for the review unless a party requests that one be transcribed at the party's expense.

(c) No new evidence will be considered during the agency review; however, any party wishing to submit a memorandum of law, citing evidence in the record, may do so pursuant to instructions issued by the division of family and children or the hearings and appeals section of the family and social services administration.

(d) The director of the division of family and children, or the director's designee, shall review the administrative law judge's decision to determine if the decision is supported by the evidence in the record and is in accordance with the statutes, regulations, rules, and policies applicable to the issues under appeal.

(e) Following the review of the director or designee, the director or designee shall issue a written decision:

- (1) affirming the decision of the ALJ;
- (2) amending or modifying the decision of the ALJ;
- (3) reversing the decision of the ALJ;
- (4) remanding the matter to the ALJ for further specified action; or
- (5) make such other order or determination as is proper on the record.

(f) The parties will be issued a written notice of the action taken as a result of the agency review. If the decision of the ALJ is reversed, amended, or modified, the director or designee shall state the reasons for the action in the written decision.

(g) The division of family and children or the hearings and appeals section of the family and social services administration shall distribute the written notice on agency review to:

- (1) all parties of record;
- (2) the ALJ who rendered the decision following the evidentiary hearing; and
- (3) any other person designated by the director or designee.

(*Division of Family and Children; 470 IAC 1-4-6; filed May 22, 1987, 12:45 p.m.: 10 IR 2279, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3076; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 1-4-7 Agency record; judicial review

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-21.5-3-33; IC 4-21.5-5; IC 12-13

Sec. 7. (a) The record of the administrative proceedings shall be that as defined in IC 4-21.5-3-33.

(b) If the appellant is not satisfied with the division's final action after agency review, he or she may file a petition for judicial review in accordance with IC 4-21.5-5.

(c) The appellant is required to seek agency review prior to filing a petition for judicial review except in the case of food stamp intentional program violation hearings and aid to families with dependent children intentional program violation hearings. (*Division of Family and Children; 470 IAC 1-4-7; filed May 22, 1987, 12:45 p.m.: 10 IR 2280, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3077; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 1-4-8 Waiver; food stamp and aid to families with dependent children disqualification hearings

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13

Sec. 8. (a) Any individual who is alleged to have committed an intentional food stamp program or aid to families with dependent children (AFDC) program violation and who has received notice of the allegations and evidence against him or her may waive his or her right to an administrative hearing as provided in 7 CFR 273.16, pertaining to the food stamp program or 45 CFR 235.113 pertaining to the AFDC program.

(b) The individual alleged to have committed an intentional program violation shall be notified that he or she may waive his or her right to an administrative disqualification hearing, and the notice shall advise the individual of the consequences of waiving the right to an administrative disqualification hearing as provided in 7 CFR 273.16 or 45 CFR 235.113.

(c) The notice shall provide an opportunity for the accused to specify whether or not he or she admits to the allegations. (*Division of Family and Children; 470 IAC 1-4-8; filed May 22, 1987, 12:45 p.m.: 10 IR 2280, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3077; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

ARTICLE 2. PUBLIC ASSISTANCE

Rule 1. General Public Assistance

470 IAC 2-1-1 Public assistance; definition (Repealed)

Sec. 1. (*Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984*)

470 IAC 2-1-2 Unrestricted money payments; reductions (Repealed)

Sec. 2. (*Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984*)

470 IAC 2-1-3 Mailing address for public assistance warrants (Repealed)

Sec. 3. (*Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984*)

470 IAC 2-1-4 Endorsement of warrants (Repealed)

Sec. 4. (*Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984*)

470 IAC 2-1-5 No guarantee of personal bills or accounts of assistance recipient (Repealed)

Sec. 5. (*Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984*)

470 IAC 2-1-6 Standards for requirements; determination of need (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-1-7 Determination of need for public assistance; evaluation of income and resources (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-1-8 Legally responsible relatives; ability to assist (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-1-9 Temporary absence from state; eligibility; justifiable reasons (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-1-10 Recipients who move to another county in Indiana; transfer of case (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-1-11 Appeals to state welfare department; procedure (Repealed)

Sec. 11. *(Repealed by Division of Family and Children; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987)*

470 IAC 2-1-12 Standard Resource Allowance (Repealed)

Sec. 12. *(Repealed by Division of Family and Children; filed Jan 29, 1982, 11:10 am: 5 IR 546)*

470 IAC 2-1-13 Personal property; value affecting continuing eligibility (Repealed)

Sec. 13. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-1-14 Payment of state mandatory supplemental assistance; aged, blind or disabled persons (Repealed)

Sec. 14. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-1-15 Burial expenses of public assistance recipients (Repealed)

Sec. 15. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-1-16 Authority to obtain information from department's personal information system

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6-2; IC 12-13-7-3

Sec. 16. Regular Access Authority to the Department Public Assistance Division Personal Information System. The following individuals have regular access authority to the information contained in the personal information systems maintained by the Indiana state department of public welfare in the office of the Public Assistance Division, subject to the confidentiality requirements set forth in department regulation 1-107 and regulation 1-201 [470 IAC 1-3-1].

(1) Employees of the Indiana state department of public welfare.

(2) Employees of the county welfare departments of the State of Indiana.

(3) Any other individual, agency or official whose duties are directly connected with the administration of the plan or program approved under parts A, B, C, or D of title IV or under titles II, X, XIV, XIX, or XX of the Federal Social Security Act; or the supplemental security income program established under title XVI of the Federal Social Security Act; or any other federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need.

IC 12-1-2-2 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-3 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 4-1-6-2 (Division of Family and Children; Title 2, Ch 1, Reg 2-118; filed Nov 14, 1977, 9:45 am: Rules and Regs. 1978, p. 772; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 2. State Mandatory Supplemental Assistance; Medical Assistance Eligibility for the Aged, Blind or Disabled

470 IAC 2-2-1 Real property; owned by applicant; valuation (Repealed)

Sec. 1. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

470 IAC 2-2-2 Reinvestigations (Repealed)

Sec. 2. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

470 IAC 2-2-3 Room and board assistance (Repealed)

Sec. 3. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

470 IAC 2-2-4 Reduction of state mandatory supplemental assistance payment (Repealed)

Sec. 4. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

470 IAC 2-2-5 Institutional status (Repealed)

Sec. 5. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

470 IAC 2-2-6 Outstanding warrants; reinvestigation of recipient (Repealed)

Sec. 6. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

470 IAC 2-2-7 Unclaimed warrants; reasonable effort to deliver; assistance discontinued (Repealed)

Sec. 7. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

470 IAC 2-2-8 Discontinuance or withdrawal of assistance; no longer eligible; death; advance notice (Repealed)

Sec. 8. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

470 IAC 2-2-9 State plan for medical assistance; requirements (Repealed)

Sec. 9. (Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

Rule 3. Medical and Housing Assistance

470 IAC 2-3-1 Eye treatment (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-3-2 Assistance to residents in county homes (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-3-3 Room and board assistance program (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

Rule 4. Assistance to Dependent Children

470 IAC 2-4-1 Definition; dependent child (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-2 Eligible relatives; foster family home; private child care institution; certified public institution (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-3 Continued absence from home; parents (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-4 Reinvestigations (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 2-4-5 Payment of assistance and medical care (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 2-4-6 Outstanding warrants (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-7 Unclaimed warrants; discontinuance (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-8 Discontinuance or withdrawal of assistance (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-9 Selection of protective payee; sanction for refusal to support (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-10 Reimbursement to county departments; determination of need; essential persons (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-11 State plan for assistance (Repealed)

Sec. 11. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 2-4-12 Replacement of lost or stolen AFDC warrants (Repealed)

Sec. 12. *(Repealed by Division of Family and Children; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1999)*

Rule 5. Child Support

470 IAC 2-5-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30
Affected: IC 12-17-2

Sec. 1. The following definitions shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

- (1) "Child support services" includes the legal activities necessary to establish or enforce a child support order, including:
- (A) enforcement of a prior support order secured in a divorce or paternity proceedings;
 - (B) establishment and enforcement of a support order in a case where the parents are separated but not divorced;
 - (C) establishment of paternity and securing a support order; and
 - (D) modification of an existing support order in accordance with the Indiana child support rules and guidelines.

Child support services do not include involvement in child custody and/or visitation disputes.

(2) "Costs" includes administrative costs of the prosecuting attorney and the division of family and children filing fees, witness fees, jury fees, change of venue fees, deposition fees, genetic testing fees, and other items generally allowed as costs in Indiana trial courts.

(3) "Current support", for purposes of payment distribution, means all support collected in a given month from an obligor who is paying support pursuant to a court order, up to the amount of the monthly court ordered support obligation which is in effect during the month in which the payment is received.

(4) "Nonpublic assistance participant" in the child support program means a person who is not receiving assistance under Title IV-A, IV-E, or XIX of the federal Social Security Act (federal public assistance programs), and who has executed a written application for child support services and paid the required state fee.

(5) "Parent locator service" includes efforts to locate absent parents for the sole purpose of establishing and enforcing child support obligations. Parent location efforts are carried out by:

- (A) the Indiana state parent locator service, administered by the division of family and children, child support bureau;
- (B) the parent locator service administered by another state; and
- (C) The federal parent locator service.

(6) "Support arrearage", for purposes of payment distribution, means all support collected in a given month from an absent parent who is paying support pursuant to a court order, but is in excess of the absent parent's current court ordered support obligation for that month and represents payment of a court ordered support obligation that had accrued in prior months.

(Division of Family and Children; Title 2, Ch 7, Reg 2-700; filed Nov 2, 1977, 2:14 p.m.: Rules and Regs. 1978, p. 732; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1283)

470 IAC 2-5-2 Eligibility and fees for parent locator and child support services; collection processing service

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30
Affected: IC 12-17-2-22

Sec. 2. Any person who, in the month of application, is not a recipient of a federal public assistance program shall be eligible

for parent locator and child support services upon the filing of an application with a county child support office. A nonrefundable twenty-five dollar (\$25) application fee shall accompany each application for services. (*Division of Family and Children; Title 2, Ch 7, Reg 2-701; filed Jan 6, 1977, 2:05 p.m.: Rules and Regs. 1978, p. 718; filed Nov 2, 1977, 2:14 p.m.: Rules and Regs. 1978, p. 734; filed Jul 16, 1982, 1:58 p.m.: 5 IR 1827; filed Mar 29, 1985, 10:05 a.m.: 8 IR 992; filed Aug 13, 1991, 9:15 a.m.: 15 IR 7; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1284*)

470 IAC 2-5-3 Recovery of costs in nonpublic assistance child support cases

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2-22

Sec. 3. (a) When child support payments are collected for a nonpublic assistance participant, the actual costs, in excess of the application fee, incurred by the state or its agents in the determination of paternity or collection of child support on behalf of the person may be recovered by the state.

(b) The division of family and children shall first attempt to recover these costs from obligor who has been ordered to make support payments to the nonpublic assistance participant. If the division of family and children is unable to recover all or parts of these costs from the obligor, the division may recover the unpaid costs from the nonpublic assistance participant in the child support program.

(c) The division of family and children will recover these unpaid costs from the nonpublic assistance participant in the following manner:

(1) The division of family and children shall first recover unpaid costs out of any lump sum support arrearage payment recovered on the recipient's behalf as a result of the court order.

(2) If this lump sum payment is insufficient to pay all of the unpaid costs, the division of family and children shall recover the remaining unpaid costs out of the support payments it collects on behalf of the nonpublic assistance participant. In so doing, the division of family and children shall deduct amounts out of the support collection received on behalf of the nonpublic assistance participant.

(*Division of Family and Children; Title 2, Ch 7, Reg 2-702; filed Jan 6, 1977, 2:05 p.m.: Rules and Regs. 1978, p. 719; filed Nov 2, 1977, 2:14 p.m.: Rules and Regs. 1978, p. 734; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1284*)

470 IAC 2-5-4 Termination of child support services (Repealed)

Sec. 4. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-5 Safeguarding information

Authority: IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-14; IC 12-17-2

Sec. 5. (a) No individually identifiable information secured from an applicant or recipient of parent locator and child support services by the division of family and children shall be disclosed or released, except as permitted under 42 U.S.C. 651 et seq., as amended, and any regulations promulgated thereunder.

(b) The use or disclosure of information concerning applicants or recipients of support enforcement services is limited to purposes directly connected with the following:

(1) The administration of the plan or program approved:

(A) under Part A, B, D, E, or F of Title IV;

(B) under Title I, X, XIV, XVI, XIX, or XX; or

(C) the Supplemental Security Income Program established under Title XVI.

(2) Any investigations, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plan or program.

(3) The administration of any other federal or federally assisted program that provides assistance, in cash or in kind, or services directly to individuals on the basis of need.

(4) Reporting to an appropriate agency or official information on known or suspected instances or physical or mental injury, sexual abuse, or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child enforcement

activity under circumstances that indicate that the child's health or welfare is threatened thereby.

(c) These safeguards shall also prohibit disclosure to any committee, or legislative body (federal, state, or local) of any information that identifies by name or address any such applicant or recipient. (*Division of Family and Children; Title 2, Ch 7, Reg 2-704; filed Jan 6, 1977, 2:05 p.m.: Rules and Regs. 1978, p. 719; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1284*)

470 IAC 2-5-6 Funding and withholding of funds to the clerk of the circuit court

Authority: IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2-23; IC 12-17-2-27

Sec. 6. (a) The division of family and children shall reimburse the clerk of the circuit court for the clerk's activities performed under the cooperative agreement between the division of family and children and the clerk of the circuit court. The extent of this reimbursement shall be governed by the terms of the budget submitted by the clerk and approved by the division of family and children. In no case shall the reimbursement exceed the percentages allowed by federal law and regulations.

(b) In the event the clerk does not perform the activities required by the cooperative agreement, the division of family and children shall have the authority to withhold reimbursement funds due to the clerk of the circuit court. The division of family and children shall not withhold such funds until the division of family and children has forwarded written notice to the clerk sixty (60) days prior to the date upon which reimbursement will be withheld. Such notice shall contain the date reimbursement will be withheld and the reasons therefor. (*Division of Family and Children; Title 2, Ch 7, Reg 2-707; filed Jan 6, 1977, 2:05 p.m.: Rules and Regs. 1978, p. 721; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1285*)

470 IAC 2-5-7 Cancellation of cooperative agreement with the prosecuting attorney; notice; withholding of reimbursement; failure to take legal action

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2-23

Sec. 7. (a) Either party to the cooperative agreement entered into between the division of family and children and the prosecuting attorney may cancel that agreement prior to its expiration date by giving the other party to the agreement advance notice of the intention to cancel the agreement. Such notice shall be in writing and shall be forwarded to the other party to the agreement sixty (60) days prior to the date the agreement will be canceled. Such notice shall contain the date of the intended cancellation and the reason therefor.

(b) In the event the division of family and children gives the prosecuting attorney prior notice of its intention to cancel the cooperative agreement, the division of family and children shall have the right to withhold reimbursement funds due and owing to such prosecuting attorney on and after the date of intended cancellation.

(c) No prosecuting attorney shall be subject to cancellation of the agreement for breach of the provisions in the cooperative agreement, which require him or her to take legal action to establish and enforce support obligations unless the failure to take legal action in a particular case is clear abuse of discretion. (*Division of Family and Children; Title 2, Ch 7, Reg 2-708; filed Jan 6, 1977, 2:05 p.m.: Rules and Regs. 1978, p. 721; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1285*)

470 IAC 2-5-8 Division of incentive payment (Repealed)

Sec. 8. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-9 Regular access authority to information in the state department of public welfare personal information system (Repealed)

Sec. 9. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-10 Date of collection; individual

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2

Sec. 10. The date of collection from an individual shall be the date upon which a child support payment is received by the Indiana division of family and children in the office of the child support bureau or a clerk of the circuit court. (*Division of Family and Children; Title 2, Ch 7, Reg 2-720; filed Nov 2, 1977, 2:14 p.m.: Rules and Regs. 1978, p. 738; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1286*)

470 IAC 2-5-11 Acceptance of payments; requirements (Repealed)

Sec. 11. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-12 Requirements for converting support payments received directly by the recipient; condition for continuing eligibility for assistance

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2

Sec. 12. (a) As a condition of continuing eligibility for assistance, any temporary assistance to needy families (TANF) recipient who, after executing an assignment of support rights to the Indiana division of family and children, receives a direct court ordered child support payment from or on behalf of the obligor must:

- (1) convert that payment to the form prescribed by this section; and
- (2) promptly forward that converted payment to the Indiana division of family and children at the office of the child support bureau or the clerk of the circuit court.

(b) Any support payment received from an individual must be converted to a money order, cashier's check, or certified check payable to the Indiana division of family and children or the clerk of the circuit court and contain or be accompanied by the following information:

- (1) The recipient's name.
 - (2) The recipient's Title IV-D case number.
 - (3) The obligor from whom or on whose behalf the support payment was made.
- (c) Any support payment received from the clerk of the court or any payment in the form of a military allotment must be endorsed by the recipient and contain or be accompanied by the following information:
- (1) The recipient's name.
 - (2) The recipient's Title IV-D case number.
 - (3) The obligor from whom or on whose behalf the support payment was made.

(*Division of Family and Children; Title 2, Ch 7, Reg 2-722; filed Nov 2, 1977, 2:14 p.m.: Rules and Regs. 1978, p. 738; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1286*)

470 IAC 2-5-13 Distribution of child support collections

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2

Sec. 13. (a) The division of family and children shall distribute the child support moneys it collects on behalf of temporary assistance to needy families (TANF) recipients in accordance with 42 U.S.C. 657 and 45 CFR 302.51.

(b) The same procedure for distributing support payments will be utilized when a TANF award is suspended except that the division of family and children will continue to collect child support payments for the TANF recipient during the period of suspension. (*Division of Family and Children; Title 2, Ch 7, Reg 2-730; filed Nov 2, 1977, 2:14 p.m.: Rules and Regs. 1978, p. 739; filed Aug 26, 1987, 11:00 a.m.: 11 IR 86; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1286*)

470 IAC 2-5-14 Distribution of support to nonpublic assistance participants who receive child support services

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2

Sec. 14. Upon the receipt of a child support payment made on behalf of a nonpublic assistance participant, the Indiana division of family and children shall, after the deduction of any unpaid costs described in 470 IAC 2-5-1 [section 1 of this rule], forward

the remaining support collection to the nonpublic assistance participant. (*Division of Family and Children; Title 2, Ch 7, Reg 2-731; filed Nov 2, 1977, 2:14 p.m.: Rules and Regs. 1978, p. 740; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1287*)

470 IAC 2-5-15 Recoupment of an overpayment of child support collections

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2

Sec. 15. (a) When the bureau determines that, in processing collections to program participants from federal or state tax or administrative offset procedures or from payments posted at the bureau's central office, moneys have been distributed to which a participant is not legally entitled, such overpayments may be recouped by the bureau.

(b) In active temporary assistance to needy families (TANF) cases, the recoupment of moneys shall be made from support payments, other than current support, to which the TANF recipient would otherwise have been entitled, through the submission of the overpaid participant for state tax offset, through subsequent federal tax offset collections from the obligor, or through a repayment agreement entered into between the participant and the bureau.

(c) If the overpayment is made to a nonpublic assistance participant, including a former public assistance recipient, the recoupment shall be made through a repayment agreement entered into between the participant and the bureau, the submission of the overpaid participant for state tax offset or through subsequent federal tax offset collections from the obligor. If the overpaid participant does not enter into a repayment agreement with the bureau within thirty (30) days of notice of the overpayment, the recoupment will be made by withholding in subsequent months the amount of child support collection payable to the participant until the overpayment has been repaid or recouped in full.

(d) If the overpayment in a nonpublic assistance case results from the IRS recalling all or part of an intercepted tax refund from child support bureau funds, the nonpublic assistance participant is obligated to reimburse the child support bureau for the recalled amount that the participant received, and the recalled amount constitutes a debt owed by the nonpublic assistance participant to the child support bureau.

(e) If a noncustodial party receives moneys from the bureau that are subsequently determined to be moneys to which that person was not entitled, the recoupment shall be made through the submission of the overpaid person for state tax offset collection or through a repayment agreement between the person and the bureau. (*Division of Family and Children; Title 2, Ch 7, Reg 2-732; filed Nov 2, 1977, 2:14 p.m.: Rules and Regs. 1978, p. 740; filed Apr 7, 1988, 8:30 a.m.: 11 IR 2856; filed Mar 8, 1989, 9:40 a.m.: 12 IR 1506; errata, 12 IR 1636; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1287*)

470 IAC 2-5-16 Recoupment of public assistance payments in cases participating in the child support program; restrictions; recomputation (Repealed)

Sec. 16. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-17 Suspension or discontinuance of assistance based on support collected (Repealed)

Sec. 17. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-18 Discontinuance or suspension based on excess payments; sufficient other income (Repealed)

Sec. 18. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-19 Re-examination and appeal; procedure (Repealed)

Sec. 19. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-20 Withdrawal from nonpublic assistance child support services; notice and payment of charges

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 12-17-2-22

Sec. 20. A nonpublic assistance participant in the child support program who receives parent locator and/or child support services may withdraw from the program by notifying the local county child support enforcement office, in writing, of the intention to withdraw from participation in the program. Upon the effective date of withdrawal, as determined by the Indiana division of family and children, the individual will no longer be entitled to any child support services. (*Division of Family and Children; Title 2, Ch 7, Reg 2-760; filed Nov 2, 1977, 2:14 p.m.; Rules and Regs. 1978, p. 744; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-21 Allocation among multiple income withholding orders (Repealed)

Sec. 21. (*Repealed by Division of Family and Children; filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

470 IAC 2-5-22 State income tax refund intercept

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-17-2-30

Affected: IC 6-8.1-9.5; IC 12-17-2-14

Sec. 22. Whenever the division of family and children, pursuant to IC 6-8.1-9.5, intercepts a state income tax refund for child support owed, and the amount offset is found to be in error or to exceed the amount of overdue support, the division shall promptly refund the appropriate excess amount to the absent parent. (*Division of Family and Children; 470 IAC 2-5-22; filed May 8, 1986, 1:45 p.m.: 9 IR 2200; readopted filed Nov 14, 2001, 4:43 p.m.: 25 IR 1288*)

ARTICLE 2.1. PUBLIC ASSISTANCE

Rule 1. General Provisions

470 IAC 2.1-1-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) As used in this article, "division" means the division of family and children.

(b) As used in this article, "county offices" means the county offices of the division of family and children.

(c) As used in this article, "public assistance programs" means the assistance to families with dependent children, medical assistance, eye treatment, and state supplemental assistance programs. (*Division of Family and Children; 470 IAC 2.1-1-1; filed Mar 1, 1984, 2:33 p.m.: 7 IR 1043, eff Apr 1, 1984; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1806; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 2.1-1-2 Applicant and recipient responsibilities applicable to all public assistance programs

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2. (a) Each applicant for and recipient of public assistance shall complete, or assist the county office in completing, the appropriate application form and related eligibility forms prescribed by the division.

(b) Each applicant and recipient is required to provide all information necessary to determine his or her eligibility for public assistance and report any change in this information to the county office within ten (10) days of the date on which the change occurs.

(c) Each applicant and recipient of public assistance is required to verify or assist the county office in verifying all information required to determine his or her eligibility by signing appropriate release of information forms required to obtain verification of information provided to the county office or either of the following:

(1) Obtaining and providing to the county office documentation which verifies information required to determine his or her eligibility.

(2) Undergoing any required medical examinations necessary to determine eligibility.

(d) At the time of the initial investigation, the applicant shall allow the county office caseworker to visit the applicant in his or her place of residence during agency working hours. In the absence of a valid reason for the applicant's refusal to allow such visit,

the applicant shall be ineligible for assistance and the application shall be denied. The caseworker may conduct the initial interview through a personal interview at the county office or a community location designated by the county office, rather than at the applicant's residence.

(e) If an applicant fails or refuses to provide the county office information or verification of information required to determine the applicant's eligibility for public assistance, the applicant shall be ineligible for assistance and the application shall be denied. Prior to denying an application under this section, the county office must provide the applicant written notice of the specific information or verification needed to determine eligibility and written notice of the date on which the application will be denied if the information or verification is not provided.

(f) Treatment plan requirements shall be as follows:

(1) Except as provided in subdivision (2), any recipient who is receiving any type of public assistance due to disability, incapacity, or visual impairment shall be required to cooperate in any treatment plan that is recommended by the examining physician and approved by the division prior approval section, if the goal of such treatment is full or partial alleviation of the recipient's disability, incapacity, or visual impairment.

(2) A recipient shall not be required to cooperate in such a treatment plan if good cause for refusing exists. Good cause for refusing treatment includes, but is not limited to, the following:

(A) Such treatment is contrary to the recipient's religious beliefs.

(B) Previous surgery of the type recommended was unsuccessful.

(C) The recommended treatment is very risky because of its magnitude, unusual nature, or other reason.

(D) The recommended treatment involves amputation of a limb or a major part of a limb.

(3) Any recipient who fails to meet the requirement of this section shall be ineligible and assistance shall be discontinued.

(g) For the purposes of the assistance to families with dependent children program, failure of the applicant to comply with the requirements of subsections (d) and (e) shall result in the ineligibility of the entire assistance group. (*Division of Family and Children; 470 IAC 2.1-1-2; filed Mar 1, 1984, 2:31 p.m.: 7 IR 992, eff Apr 1, 1984; filed Dec 16, 1986, 11:00 a.m.: 10 IR 1079; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1807; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 2. Medical Examinations; Diagnostic Tests

470 IAC 2.1-2-1 Payment for examinations and tests

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. The state department shall pay for the costs of necessary medical examinations and diagnostic tests required to determine whether the applicable visual, disability or incapacity requirement is met subject to the following limitations:

(1) Payment will be made only to the medical provider upon submission of a completed claim form prescribed by the state department.

(2) Payment for the cost of submitting a report of a previously completed medical examination shall not exceed ten dollars (\$10).

(3) Payment for an eye examination and completion of a report thereon shall not exceed twenty-nine dollars (\$29).

(4) Payment for a physical examination and completion of a report thereon shall not exceed thirty-five dollars (\$35).

(*Division of Family and Children; 470 IAC 2.1-2-1; filed Mar 1, 1984, 2:31 pm: 7 IR 993, eff Apr 1, 1984; filed May 22, 1987, 12:45 pm: 10 IR 2276, eff Jul 1, 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 3. Case Records

470 IAC 2.1-3-1 Release of information from county department case records

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-14-22; IC 12-15-27

Sec. 1. (a) The county department shall give the applicant or recipient or his authorized representative, upon request, the opportunity to examine the entire case record.

(b) Before releasing information from public assistance case records in circumstances not required by state or federal laws

or regulations the county department shall obtain a written release of information, signed by the applicant or recipient, authorizing the county department to release the information to the requesting agency or individual. The written authorization must specify the scope of information the county department is authorized to release and the specific agency or individual to whom the information is to be released.

As permitted by Section 2636 of Public Law 98-369, the county department shall release the name and current address of any AFDC recipients who are fugitive felons to law enforcement officers when requested. The law enforcement officer must provide the county department with the AFDC recipient's social security number and sufficient information to demonstrate that the AFDC recipient is a fugitive felon. (*Division of Family and Children; 470 IAC 2.1-3-1; filed Mar 1, 1984, 2:31 pm: 7 IR 993, eff Apr 1, 1984; filed Mar 7, 1985, 2:54 pm: 8 IR 797; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4. Medical Support Enforcement

470 IAC 2.1-4-1 Claiming good cause for refusing to cooperate

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 1. (a) Opportunity to claim good cause. An applicant for, or recipient of, Medicaid will have the opportunity to claim good cause for refusing to cooperate as required by 42 CFR 433.147.

(b) Notice to applicant or recipient. Prior to requiring cooperation under 42 CFR 433.147 the county department will notify the applicant or recipient of the right to claim good cause as an exception to the cooperation requirement and of all the requirements applicable to a good cause determination.

(1) the notice will be in writing, with a copy furnished to the applicant or recipient; and

(2) an acknowledgment that the applicant or recipient received the notice will be signed and dated by the caseworker and the applicant or recipient, and the acknowledgment will be placed in the case file.

(c) Requirements upon applicant or recipient. (1) An applicant for, or recipient of, Medicaid who refuses to cooperate and who claims to have good cause for refusing to cooperate has the burden of establishing the existence of a good cause circumstance. Such applicant or recipient will be required to:

(A) specify the circumstances as described in 470 IAC 2.1-4-3 that the applicant or recipient believes provide sufficient good cause for not cooperating;

(B) corroborate the good cause circumstances in accordance with 470 IAC 2.1-4-4; and

(C) if requested, provide sufficient information to permit an investigation pursuant to 470 IAC 2.1-4-4.

(2) If the requirements of paragraph (c)(1) of this section are not met, the state department shall on that basis determine that good cause does not exist. (*Division of Family and Children; 470 IAC 2.1-4-1; filed Jun 4, 1985, 2:37 pm: 8 IR 1298, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 2.1-4-2 Determination of good cause

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 2. (a) For each applicant for or recipient of Medicaid who claims to have good cause, the state department will determine, in accordance with 470 IAC 2.1-4-1, 470 IAC 2.1-4-3, and 470 IAC 2.1-4-4, whether good cause exists.

(b) The state department's final determination that good cause does, or does not exist will:

(1) be in writing;

(2) contain the agency's findings and basis for determination; and

(3) be entered into the Medicaid case record.

(c) The state department's determination of whether or not good cause exists will be made within 45 days from the day the good cause claim is made unless the department needs additional time because the information required to verify the claim cannot be obtained within the time standard or that the claimant did not provide corroborative evidence within the period required by 470 IAC 2.1-4-4(b).

(d) If the state department determines that good cause does not exist:

(1) the applicant or recipient will be so notified and afforded an opportunity to cooperate, withdraw the application for assistance, or have the case closed; and

(2) continued refusal to cooperate will result in imposition of the sanction provided by 42 CFR 433.148.

(Division of Family and Children; 470 IAC 2.1-4-2; filed Jun 4, 1985, 2:37 pm: 8 IR 1299, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 2.1-4-3 Good cause circumstances

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 3. (a) Circumstances under which cooperation may be against the best interests of the individual. The state department will determine that cooperation in securing support is against the best interests of the individual only if the applicant's or recipient's cooperation in securing support is reasonably anticipated to result in physical or emotional harm to the individual for whom support is to be sought.

(b) Physical harm and emotional harm defined. Physical harm and emotional harm must be of a serious nature in order to justify a finding of good cause under paragraph (a) of this section. A finding of good cause for emotional harm may only be based upon a demonstration of an emotional impairment that substantially affects the individual's functioning.

(c) Special consideration related to emotional harm. For every good cause determination which is based in whole or part upon the anticipation of emotional harm to the individual, the state department will consider the following:

(1) the present emotional state of the individual subject to emotional harm;

(2) the emotional health history of the individual subject to emotional harm;

(3) intensity and probable duration of the emotional impairment;

(4) the degree of cooperation to be required; and

(5) the extent of involvement of the individual in the support enforcement activity to be undertaken.

(Division of Family and Children; 470 IAC 2.1-4-3; filed Jun 4, 1985, 2:37 pm: 8 IR 1299, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 2.1-4-4 Proof of good-cause claim

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 4. (a) The state department will make a good-cause determination based on the corroborative evidence supplied by the applicant or recipient only after it has examined the evidence and found that it actually verifies the good-cause claim.

(b) The applicant or recipient who claims good cause must provide corroborative evidence within 20 days from the day the claim was made. In exceptional cases where the state department determines the applicant or recipient requires additional time because of the difficulty of obtaining the corroborative evidence, the state department shall allow a reasonable additional period of time.

(c) A good-cause claim may be corroborated with the following types of evidence:

(1) court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the person from whom support would be sought might inflict physical or emotional harm on the individual;

(2) medical records which indicate emotional health history and present emotional health status of the individual for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the individual for whom support would be sought;

(3) sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good-cause claim.

(d) If after examining the corroborative evidence submitted by the applicant or recipient, the state department wishes to request additional corroborative evidence which is needed to permit a good-cause determination, the state department will:

(1) promptly notify the applicant or recipient that additional corroborative evidence is needed; and

(2) specify the type of document which is needed.

(e) Upon request, the state department will:

(1) advise the applicant or recipient how to obtain the necessary documents; and

(2) make a reasonable effort to obtain any specific documents which the applicant or recipient is not reasonably able to obtain without assistance.

(f) Where a claim is based on the applicant's or recipient's anticipation of physical harm as specified and defined in 470 IAC 2.1-4-3, and corroborative evidence is not submitted in support of the claim:

(1) the state department will investigate the good-cause claim when the agency believes that:

(A) the claim is credible without corroborative evidence; and

(B) corroborative evidence is not available.

(2) good cause will be found if the claimant's statement and the investigation which is conducted satisfies the state department that the applicant or recipient has good cause for refusing to cooperate.

(Division of Family and Children; 470 IAC 2.1-4-4; filed Jun 4, 1985, 2:37 pm: 8 IR 1300, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 2.1-4-5 Granting or continuation of assistance

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 5. The county department will not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements of 470 IAC 2.1-4-1 and 470 IAC 2.1-4-4 to furnish corroborative evidence and information. *(Division of Family and Children; 470 IAC 2.1-4-5; filed Jun 4, 1985, 2:37 pm: 8 IR 1300, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 2.1-4-6 Periodic review of good cause determination

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 6. The county department will:

(1) review at each redetermination of eligibility, those cases in which the state department has determined that good cause exists based on a circumstance that is subject to change; and

(2) if it determines that circumstances have changed such that good cause may no longer exist, it will recommend that the state department rescind its findings and proceed to enforce the requirements of 42 CFR 433.147.

(Division of Family and Children; 470 IAC 2.1-4-6; filed Jun 4, 1985, 2:37 pm: 8 IR 1300, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

ARTICLE 3. CHILD WELFARE SERVICES

Rule 1. Licensing of Boarding Homes for Children

470 IAC 3-1-1 Definition of "foster parent" and "foster parents"

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 1. The terms "foster parent" and "foster parents" as used in the rules and regulations for licensing of boarding homes for children are defined to be the person or persons to whom a license to operate, maintain or conduct a boarding home for children is granted by the State Department of Public Welfare, and the spouse of the person so licensed, if living within the boarding home described in said license.

Sec. 5(c), Welfare Act; Sec. 3, Ch. 349, Acts 1945; Burns 52-1104

Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 (*Division of Family and Children; Title 3, Ch 1, Definitions; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1829; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-2 Definition of “boarding home for full-time care of children”

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 2. Boarding Home Giving Full-Time Care to Children, Definition. A boarding home for full-time care of children is defined as a place of residence where the child is cared for both day and night.

Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 (*Division of Family and Children; Title 3, Ch 1, Reg 3-101; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1829; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-3 Foster family; full-time care; health; income; adult boarders; records and reports

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 3. Foster Family—Full-Time Care. (a) Foster parents shall be mature individuals who are capable of exercising and do exercise good judgment in the handling of a child.

(b) The health of all members of the foster family or other individuals living in the home shall be such that it will not be detrimental to the health and welfare of the foster children. A statement from a duly licensed physician and such other evidence of good health as may be required of the foster family by the State Department of Public Welfare shall be furnished.

(c) There shall be sufficient income and resources in the home to insure a reasonable living standard within the boarding home and proper care for the children.

(d) No adult boarder or roomer shall be permitted to live in the boarding home for full-time care except with the consent of the State Department of Public Welfare.

(e) The licensee shall report to the county department of public welfare or licensed child-placing agency or any other designated representative of the State Department of Public Welfare any change in the home conditions affecting the welfare of the children, such as the number of persons living in the home, change in residence or in the use of rooms, reduction of income, or employment of foster mother.

(f) Each foster mother shall keep a record of the names of children admitted, the time of admission, the time of release, and any other specific information required by the agency authorized by law to supervise the home.

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427

Sec. 14, Ch. 185, Acts 1945; Burns 22-2429 (*Division of Family and Children; Title 3, Ch 1, Reg 3-102; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1830; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-4 Housing; full-time care; standards and requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 4. Housing—Full-Time Care. (a) The boarding home for full-time care of children shall not be located where unusual conditions exist that would be hazardous to the physical or moral welfare of the child.

(b) The home shall be heated to provide for comfort, and the heat of all rooms used for infants shall provide at all times a temperature of at least seventy degrees Fahrenheit.

(c) The home shall be kept free from all unnecessary fire hazards.

(d) When natural light is insufficient, it shall be supplemented by artificial light properly diffused and distributed so that adequate light will be available at all times.

(e) Facilities for proper bathing shall be provided.

(f) The room used for eating shall be sufficiently large to enable the foster children and foster family to eat together as a normal family group.

(g) Sleeping rooms shall have adequate ventilation for health, safety and welfare of the child. Each child shall have an

individual bed equipped with springs, mattress and suitable bed clothing in a room used exclusively as a sleeping room; provided, however, that in unusual circumstances involving the welfare of children this requirement may be waived by the State Department of Public Welfare.

(h) There shall be closet and drawer space provided for each child's possessions.

(i) Proper facilities and opportunity shall be provided for school children to study.

(j) Recreational facilities shall be made available for indoor and outdoor play.

(k) Boarding homes for full-time care of children shall conform to all rules and regulations of the local police, fire and safety authorities and of the State Fire Marshal as to fire and safety protection and to all laws pertaining thereto.

Sec. 6, Ch. 185, Acts 1945; Burns 22-2421

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-103; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1830; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-5 Sanitation; full-time care

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 5. Sanitation—Full-Time Care. (a) The boarding home for full-time care of children shall conform to the sanitary laws and ordinances of the State and the city or town in which it is located. It shall be kept clean and in a fit sanitary condition. Windows and doors shall be screened as required by the climatic conditions.

(b) The milk supply, the water supply and the sewage disposal shall conform to the standards set by the State Board of Health under its rules and regulations and all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-104; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-6 Health; full-time care; communicable diseases; medical treatment; health regulations

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 6. Health—Full-Time Care. (a) A child suffering from a communicable or a contagious disease shall not be admitted to a home where there are other children unless plans are based on competent medical advice.

(b) If a person in the boarding home for full-time care of children should contract a communicable disease, the foster child shall not be permitted to remain there unless suitable health precautions are taken for protection of the child.

(c) The foster parents shall cooperate with the parents or person in loco parentis in providing proper medical treatment for the foster child.

(d) Boarding homes for full-time care of children shall conform to all rules and regulations of the local health authorities and the State Board of Health as to diet, medical care and sanitation and to all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-105; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-7 Food; full-time care

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 7. Food—Full-Time Care. (a) Foster parents shall show a reasonable knowledge of the principles governing the feeding of children.

(b) Food supplied to children shall be of good quality, properly prepared, and sufficient in quantity to meet their individual needs.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-106; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-8 Personal care of child in boarding home for full-time care of children; supervision; education; religion

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 8. Personal Care of the Child in the Boarding Home—Full-Time Care. (a) Each child shall receive the same treatment as members of the foster family. Each child shall be treated as the foster parents' child insofar as participation in normal family life is concerned. No child shall be subjected to cruelty, neglect or exploitation.

(b) In the absence of the foster parents, reliable supervision shall be provided by the foster parents for any child living in the home.

(c) Foster parents shall cooperate with the parents or person in loco parentis in providing education for each child in accordance with the ability of each child.

(d) The religion of each child shall be given preference in planning for his attendance at Sunday School or Church.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-107; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-9 Definition of “intermediate boarding home for the care of children;” emergency placement

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 9. Boarding Home for the Intermediate Care of Children, Definition. An intermediate boarding home for the care of children is defined as a place of residence where the facilities of the home are available at all times for children in need of emergency placement for a temporary period.

Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 (*Division of Family and Children; Title 3, Ch 1, Reg 3-108; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-10 Foster family; intermediate care; requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 10. Foster Family—Intermediate Care. (a) Foster parents shall be mature individuals who are capable of exercising and do exercise good judgment in the handling of a child.

(b) The health of all members of the foster family or other individuals living in the home shall be such that it will not be detrimental to the health and welfare of the foster children. A statement from a duly licensed physician and such other evidence of good health as may be required of the foster family by the State Department of Public Welfare shall be furnished.

(c) There shall be sufficient income and resources in the home to insure a reasonable living standard within the boarding home and proper care for the children.

(d) No adult boarder or roomer shall be permitted to live in the intermediate boarding home except with the consent of the State Department of Public Welfare.

(e) The licensee shall report to the county department of public welfare or licensed child-placing agency or any other designated representative of the State Department of Public Welfare any change in the home conditions affecting the welfare of the children, such as the number of persons living in the home, change in residence or in the use of rooms, reduction of income, or employment of foster mother.

(f) Each foster mother shall be responsible for keeping a record of the names of children admitted, the time of admission, the time of release, and any other specific information required by the agency authorized by law to supervise the home.

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427

Sec. 14, Ch. 185, Acts 1945; Burns 22-2429 (*Division of Family and Children; Title 3, Ch 1, Reg 3-109; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-11 Housing, intermediate care; standards and requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 11. Housing—Intermediate Care. (a) The intermediate boarding home for care of children shall not be located where unusual conditions exist that would be hazardous to the physical or moral welfare of the child.

(b) The home shall be heated to provide for comfort, and the heat of all rooms used for infants shall provide at all times a temperature of at least seventy degrees Fahrenheit.

(c) The home shall be kept free from all unnecessary fire hazards.

(d) When natural light is insufficient, it shall be supplemented by artificial light properly diffused and distributed so that adequate light will be available at all times.

(e) There shall be in each intermediate boarding home for children a complete bath room.

(f) The room used for eating shall be sufficiently large to enable the foster children and foster family to eat together as a normal family group.

(g) Sleeping rooms shall have adequate ventilation for health, safety and welfare of the children. Each child shall have an individual bed equipped with springs, mattress and suitable bed clothing in a room used exclusively as a sleeping room; provided, however, that in unusual circumstances involving the welfare of children this requirement may be waived by the State Department of Public Welfare.

(h) There shall be in each intermediate boarding home for children a separate closet or locker space available for each child or a receptacle shall be provided where each child's clothing may be kept apart from the clothing of the group.

(i) Proper facilities and opportunity shall be provided for school children to study.

(j) Each intermediate boarding home for the care of children shall have adequate recreational equipment suitable for children who will be using the home.

(k) The rooms of the intermediate boarding home for care of children shall be so arranged that, if necessary, children may be isolated.

(l) No intermediate boarding home for the care of children shall be licensed for more than three children under two years of age or six children over two years of age unless special and adequate facilities are available.

(m) Intermediate boarding homes for children shall conform to all rules and regulations of the local police, fire and safety authorities and of the State Fire Marshal as to fire and safety protection and to all laws pertaining thereto.

Sec. 6, Ch. 185, Acts 1945; Burns 22-2421

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-110; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1834; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-12 Sanitation; intermediate care

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 12. Sanitation—Intermediate Care. (a) The intermediate boarding home shall conform to the sanitary laws and ordinances of the State and the city or town in which it is located. It shall be kept clean and in a fit sanitary condition. Windows and doors shall be screened as required by the climatic conditions.

(b) The milk supply, the water supply and sewage disposal shall conform to the standards set by the State Board of Health under its rules and regulations and all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-111; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1836; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-13 Health; intermediate care; physical examination

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 13. Health—Intermediate Care. (a) A child suffering from a communicable or contagious disease shall not be admitted to a home where there are other children unless plans are based on competent medical advice.

(b) If a person in the intermediate boarding home should contract a communicable disease, the foster child shall not be permitted to remain there unless suitable health precautions are taken for protection of the child.

(c) The foster parents shall cooperate with the parents or person in loco parentis in providing proper medical treatment for the foster child.

(d) Boarding homes for intermediate care of children shall conform to all rules and regulations of the local health authorities and the State Board of Health as to diet, medical care and sanitation and to all laws pertaining thereto.

(e) If a child is admitted to the intermediate boarding home without a physical examination, he shall be examined by a duly licensed physician within twenty-four hours of admission to the home.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-112; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1836; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-14 Food; intermediate care

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 14. Food—Intermediate Care. (a) Foster parents shall show a reasonable knowledge of the principles governing the feeding of children.

(b) Food supplied to children shall be of good quality, properly prepared, and sufficient in quantity to meet their individual needs.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-113; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1837; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-15 Personal care of child; intermediate care; supervision; education; religion

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 15. Personal Care of the Child—Intermediate Care. (a) Each child shall receive the same treatment as members of the foster family. Each child shall be treated as the foster parents' child insofar as participation in normal family life is concerned. No child shall be subjected to cruelty, neglect or exploitation.

(b) In the absence of the foster parents, reliable supervision shall be provided by the foster parents for any child living in the home.

(c) Foster parents shall cooperate with the parents or person in loco parentis in providing education for each child in accordance with the ability of each child.

(d) The religion of each child shall be given preference in planning for his attendance at Sunday School or Church.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 1, Reg 3-114; filed Nov 6, 1946, 11:30 am; Rules and Regs. 1947, p. 1837; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-15.5 Foster parent training

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 15.5. (a) Each foster parent applicant shall successfully complete as a part of the family preparation process, a twenty (20) hour preservice training course, as specified by the division of family and children, prior to being initially licensed as a foster home.

(b) Each foster parent applicant shall submit evidence of the successful completion of a current course in first aid prior to licensure and retake the first aid course every three (3) years. An updated Red Cross first aid manual or its equivalent shall be available in the foster home.

(c) If the licensed child placing agency or county department of public welfare documents an emergency need for licensing to facilitate placement of a foster child when no other home is available, the division of family and children may approve a foster parent for licensure who does not comply with subsections (a) through (b). Each such foster parent shall complete the preservice training course within six (6) months of licensure.

(d) Within one (1) year after the twenty (20) hour training requirement has been met, and annually thereafter, each licensed foster parent shall be required to successfully complete ten (10) hours of inservice training as specified by the division of family and children prior to being relicensed as a foster home.

(e) Prior foster care training or education in child care or child development may be substituted for a part of the training requirements in this section with prior approval of the division of family and children.

(f) These requirements apply to full-time and intermediate care foster parents only. (*Division of Family and Children; 470 IAC 3-1-15.5; filed Jan 7, 1992, 10:00 a.m.: 15 IR 717; errata filed Mar 3, 1992, 1:34 p.m.: 15 IR 1223; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1-16 Definition of “boarding home for day-time care to children” (Repealed)

Sec. 16. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-17 Foster family; day-time care; requirements (Repealed)

Sec. 17. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-18 Housing; day-time care; standards and requirements (Repealed)

Sec. 18. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-19 Sanitation; day-time care (Repealed)

Sec. 19. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-20 Health; day-time care; communicable disease; medical treatment and illness; health regulations (Repealed)

Sec. 20. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-21 Food; day-time care (Repealed)

Sec. 21. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-22 Personal care of child; day-time care; supervision; education; religion (Repealed)

Sec. 22. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-23 Staff for day-time care of more than six children (Repealed)

Sec. 23. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-24 Housing; additional requirements for day-time care of more than six children and not more than ten children (Repealed)

Sec. 24. (*Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505*)

470 IAC 3-1-25 Health; additional requirements for day-time care of more than six children; isolation; examination (Repealed)

Sec. 25. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-26 Personal care of the child; additional requirements for day-time care of more than six children; program of activities (Repealed)

Sec. 26. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

Rule 1.1. Child Care Homes

470 IAC 3-1.1-0.5 Minimum standards

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 0.5. This rule represents the minimum standards necessary to operate a child care home in the state of Indiana, developed under the authority of IC 12-17.2. These rules apply to the home during hours of operation as a child care home. The purpose of these rules is to protect and promote the health and safety of children in care and to support families as consumers of child care services. First and foremost, child care is the responsibility and choice of the parent. Many child care advocates, providers, licensing specialists, and parents participated in the development of these rules. *(Division of Family and Children; 470 IAC 3-1.1-0.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-1 “Applicant” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. As used in this rule, “applicant” means a person who applies for a license to operate a child care home. *(Division of Family and Children; 470 IAC 3-1.1-1; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-2 “Assistant caregiver” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. As used in this rule, “assistant caregiver” means a person eighteen (18) years of age or older who works in a child care home under the direct supervision of the caregiver. *(Division of Family and Children; 470 IAC 3-1.1-2; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-3 “Attendance” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. As used in this rule, “attendance” means the total number of children present at any one (1) time at the child care home. *(Division of Family and Children; 470 IAC 3-1.1-3; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-4 “Caregiver” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. As used in this rule, “caregiver” means a person eighteen (18) years of age or older who is responsible for the direct care, protection, and supervision of children in a child care home. The caregiver supervises assistant, student assistant, and volunteer caregivers. (*Division of Family and Children; 470 IAC 3-1.1-4; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-4.5 “CDFC” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4.5. As used in this rule, “CDFC” means the central office of the Indiana division of family and children. (*Division of Family and Children; 470 IAC 3-1.1-4.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-5 “CDPW” defined (Repealed)

Sec. 5. (*Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073*)

470 IAC 3-1.1-6 “Child care” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 6. As used in this rule, “child care” means a service for families on behalf of children and their parents which is designed to supplement daily parental care. (*Division of Family and Children; 470 IAC 3-1.1-6; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-7 “Child care home” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7. (a) As used in this rule, “child care home” means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

The term does not include a child care center.

(b) The term includes the following:

- (1) A Class I child care home.
- (2) A Class II child care home.

(*Division of Family and Children; 470 IAC 3-1.1-7; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-7.1 “Child to staff ratio” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7.1. As used in this rule, “child to staff ratio” means the maximum number of children permitted per direct child care provider. (*Division of Family and Children; 470 IAC 3-1.1-7.1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-7.2 “Class I child care home” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7.2. (a) As used in this rule, “Class I child care home” means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade one (1). The addition of three (3) school aged children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

- (1) for whom a provider of care is a parent, stepparent, guardian, custodian, or other relative; and
- (2) who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a). (*Division of Family and Children; 470 IAC 3-1.1-7.2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-7.3 “COFC” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7.3. As used in this rule, “COFC” means the county office of family and children in the county in which the child care home is located. (*Division of Family and Children; 470 IAC 3-1.1-7.3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-7.4 “Design professional” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7.4. As used in this rule, “design professional” means:

- (1) an architect;
- (2) an engineer; or
- (3) other professional;

who is approved to file building plans and is qualified to determine if a structure meets the definition of a residential structure. (*Division of Family and Children; 470 IAC 3-1.1-7.4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-8 “Direct child care provider” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 8. As used in this rule, “direct child care provider” means any individual who provides child care services to children. This term includes the following:

- (1) Licensee, when acting as caregiver.
- (2) Caregiver, assistant caregivers, and student assistants.
- (3) A volunteer.

(*Division of Family and Children; 470 IAC 3-1.1-8; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-9 “Discipline” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 9. As used in this rule, “discipline” means training which corrects inappropriate behavior. (*Division of Family and*

Children; 470 IAC 3-1.1-9; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-10 “Infant” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 10. As used in this rule, “infant” means a child from birth to twelve (12) months of age. (*Division of Family and Children; 470 IAC 3-1.1-10; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-11 “License” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 11. As used in this rule, “license” means a document issued by the CDFC authorizing the operation of a child care home at a specific location for a specific duration and specifying the number of children for whom child care services may be provided. (*Division of Family and Children; 470 IAC 3-1.1-11; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-12 “Licensee” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 12. As used in this rule, “licensee” means an individual or corporation who is licensed to operate a child care home. A licensee may be licensed to operate more than one (1) child care home. The licensee may be the caregiver for only one (1) child care home at a time. (*Division of Family and Children; 470 IAC 3-1.1-12; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-12.5 “Probationary license” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 12.5. (a) As used in this rule, “probationary license” means a document issued to a child care home licensee who is temporarily unable to comply with this rule. The CDFC may grant a probationary license if:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
 - (2) the licensee files a plan with the COFC to correct the areas of noncompliance within the probationary period; and
 - (3) the COFC approves the plan.
- (b) The COFC shall act upon a plan of correction within thirty (30) days of receipt.
- (c) A probationary license is valid for not more than six (6) months. The CDFC may extend a probationary license for one (1) additional period of six (6) months.
- (d) An existing license is invalidated when a probationary license is issued.
- (e) Upon receipt of a probationary license, the licensee shall return to the COFC the previously issued license.
- (f) At the expiration of the probationary license, the CDFC shall:
- (1) reinstate the original license to the end of the original term of the license;
 - (2) issue a new license; or
 - (3) revoke the license.

(Division of Family and Children; 470 IAC 3-1.1-12.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-13 “Protected outdoor play area” defined

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 13. As used in this rule, “protected outdoor play area” means an area that is safely enclosed by either a fence or natural boundaries. (*Division of Family and Children; 470 IAC 3-1.1-13; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-14 “Provisional license” defined

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 14. As used in this rule, “provisional license” means a document issued to a child care home licensee whose services are needed but who is not able to demonstrate compliance with a rule because the child care home is not in full operation. A provisional license may be issued for a period not to exceed twelve (12) months and is subject to review every three (3) months. (*Division of Family and Children; 470 IAC 3-1.1-14; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-15 “Relatives” defined

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 15. As used in this rule, “relatives” means a relationship to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption, including parents, grandparents, brothers, sisters, stepparents, stepgrandparents, stepsisters, stepbrothers, uncles, aunts, and first cousins. (*Division of Family and Children; 470 IAC 3-1.1-15; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-16 “Residential structure” defined

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 16. (a) As used in this rule, “residential structure” means a dwelling unit as that term is defined in 675 IAC 14-4 [675 IAC 14-4 was repealed filed Oct 30, 1997, 12:45 p.m.: 21 IR 1003.]. It may be the applicant's or licensee's own residence.

(b) If the applicant, or any person, does not presently physically reside in the structure, the applicant or licensee shall provide documentation by a design professional that the structure qualifies as a residential structure before a license for a child care home may be issued.

(c) Licensed child care homes that hold a regular license with the CDFC on the effective date of this rule are exempt from meeting the requirements of subsection (b). (*Division of Family and Children; 470 IAC 3-1.1-16; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-17 “Sanitize” defined

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 17. As used in this rule, “sanitize” means to destroy disease causing organisms by chemical or mechanical means, including, but not limited to, a chemical means of using one (1) teaspoon of bleach per gallon of water. (*Division of Family and Children; 470 IAC 3-1.1-17; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-18 “SDPW” defined (Repealed)

Sec. 18. (*Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073*)

470 IAC 3-1.1-19 “SFM” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 19. As used in this rule, “SFM” means the office of the state fire marshal in the department of fire and building services. (*Division of Family and Children; 470 IAC 3-1.1-19; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-20 “Student assistant” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 20. As used in this rule, “student assistant” means an individual fourteen (14) years of age through seventeen (17) years of age who works in a child care home under the direct supervision of the caregiver. (*Division of Family and Children; 470 IAC 3-1.1-20; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-21 “Toddler” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 21. As used in this rule, “toddler” means a child from twelve (12) months of age through twenty-four (24) months of age. (*Division of Family and Children; 470 IAC 3-1.1-21; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-22 “Variance” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 22. As used in this rule, “variance” means official permission granted by the CDFC to meet the intent of a specific rule in a way other than specified by the rule. (*Division of Family and Children; 470 IAC 3-1.1-22; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-22.5 “Volunteer” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 22.5. As used in this rule, “volunteer” means a direct child care provider who is not paid. If the volunteer is counted in the child to staff ratio, he or she must be fourteen (14) years of age or older and must meet the same requirements as paid personnel. (*Division of Family and Children; 470 IAC 3-1.1-22.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-23 “Waiver” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 23. As used in this rule, “waiver” means official permission granted by the CDFC to be exempted from meeting a specific rule. (*Division of Family and Children; 470 IAC 3-1.1-23; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-24 Child care home maximum capacity

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 24. A maximum of fifteen (15) children who are less than eleven (11) years of age may be present in the Class I child care home at any one (1) time during any part of the day. This number includes the caregiver's own children, related children, unrelated children, and any part-time child care children present. (*Division of Family and Children; 470 IAC 3-1.1-24; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-25 Minimum standards (Repealed)

Sec. 25. (*Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073*)

470 IAC 3-1.1-26 Exemption from licensure

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 26. Licensure is not required for a child care home if the provider:

- (1) does not receive regular compensation;
- (2) cares only for children who are related to the provider;
- (3) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or
- (4) operates to serve migrant children.

(*Division of Family and Children; 470 IAC 3-1.1-26; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-27 Application for licensure

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 27. Application for a license to operate a child care home must be submitted by the applicant every two (2) years to the COFC on forms provided for that purpose by the CDFC. (*Division of Family and Children; 470 IAC 3-1.1-27; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-28 Initial licensure

Authority: IC 12-13-5-3
Affected: IC 5-2-12; IC 12-17.2

Sec. 28. (a) An applicant for a child care home license shall do the following:

- (1) Attend an orientation training arranged or approved by the CDFC.
- (2) Comply with application procedures required by this rule.
- (3) Submit to the COFC a completed, signed application for a child care home license, including attachments required to demonstrate compliance with this rule.
- (4) Submit a statement attesting that the applicant has not been:
 - (A) convicted of a felony or a misdemeanor relating to the health and safety of children; and
 - (B) charged with:
 - (i) a felony; or
 - (ii) a misdemeanor relating to the health and safety of children;during the pendency of the application.
- (5) Within thirty (30) days of application, submit a written medical statement, including proof of a Mantoux tuberculin test or chest x-ray, signed by a physician or a certified nurse practitioner. (Refer to section 34 of this rule.)

(6) Submit a water quality test as required by section 47(b) of this rule.

(b) The COFC shall do the following:

(1) Conduct a criminal history check on the applicant and the applicant's spouse.

(2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.

(3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.

(4) Submit a written recommendation for child care home licensure to the CDFC based upon the home inspection checklist and the documents submitted by the applicant under subsection (a).

(5) The COFC shall return an incomplete application to applicant(s) with a notation as to omissions and without acting on the application.

(c) The CDFC shall approve or deny the application for child home care licensure within sixty (60) days of the date the application is received by the COFC. (*Division of Family and Children; 470 IAC 3-1.1-28; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-28.5 Annual inspection

Authority: IC 12-13-5-3

Affected: IC 5-2-12; IC 12-17.2

Sec. 28.5. (a) The COFC will send a letter of request to the licensee for an information update which includes the name of the licensee, the name of the caregiver, the address and phone number of the child care home, and the license expiration date.

(b) The COFC shall make an annual visit to the home during normal business hours and will complete a limited inspection checklist.

(c) The caregiver shall maintain and make available verification of the following:

(1) Annual Mantoux tuberculin test or chest x-ray for direct child care providers and all family members over eighteen (18) years of age.

(2) Criminal history checks conducted for direct child care providers and family members and others over eighteen (18) years of age living in the home.

(3) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.

(4) Notification of the local fire department.

(5) Certification of current first aid training and annual CPR certification for direct child care providers.

(6) Water quality test as required by section 47(b) of this rule.

(*Division of Family and Children; 470 IAC 3-1.1-28.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3062; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-29 Relicensure

Authority: IC 12-13-5-3

Affected: IC 5-2-12; IC 12-17.2

Sec. 29. (a) The licensee shall submit to the COFC the following prior to relicensure:

(1) A new application completed and signed by the applicant.

(2) Written proof of an annual Mantoux tuberculin test or chest x-ray as required. (Refer to section 34 of this rule.)

(3) Attachments required to demonstrate compliance of this rule.

(4) A statement by the applicant attesting that the applicant has not been:

(A) convicted of a felony or a misdemeanor relating to the health and safety of children; and

(B) charged with:

(i) a felony; or

(ii) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(5) Water quality testing as required by section 47(b) of this rule.

(b) The COFC shall do the following:

- (1) Conduct a criminal history check on the applicant and the applicant's spouse.
- (2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.
- (3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.
- (4) Submit a written recommendation for child care home licensure to the CDFC based upon the completed home inspection checklist and the documents submitted by the applicant under subsection (a).

(c) The CDFC shall approve or deny the application for child care licensure within sixty (60) days of the date the application is received by COFC. (*Division of Family and Children; 470 IAC 3-1.1-29; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-29.5 License provisions

Authority: IC 12-13-5-3
Affected: IC 12-17.2-5-12

Sec. 29.5. (a) A child care home license is valid for two (2) years unless revoked, suspended by the CDFC, or voluntarily surrendered.

- (b) The number of children cared for at any one (1) time shall not exceed the licensed capacity.
- (c) The license is valid only for the name and location on the license and is not transferable.
- (d) The license shall be publicly displayed in the home. (IC 12-17.2-5-12(c))

(e) Whenever an applicant applies for multiple licenses located within the same structure or building, a signed statement from a design professional must be submitted certifying that each child care home to be licensed meets the state building code requirements for the proposed use which apply to fire and safety issues. Certification must include any modifications required to comply with the state building code requirements for the multiple occupancies requested.

(f) If two (2) or more licensed child care homes are contiguously located within the same residential structure, each licensed facility must be separated by a two (2) hour fire resistive wall between each licensee.

(g) Whenever an applicant applies for multiple licenses located within the same structure or building, each home must meet the requirements of licensure as independent homes.

(h) Multiple child care homes under one (1) roof which utilize a private well will also be subject to the water testing requirements of 327 IAC 8 whenever twenty-five (25) or more people are present.

(i) Licensees who hold a regular or provisional license upon the effective date of this rule are exempted from meeting the requirements of subsections (f) and (g). (*Division of Family and Children; 470 IAC 3-1.1-29.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-30 Appeals

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 30. Any individual, firm, corporation, association, or political subdivision whose license has been denied, revoked, or suspended may appeal the action of the CDFC by filing a written request for hearing with the CDFC within thirty (30) days of receipt of an official notice from the CDFC of such denial, suspension, or revocation. (*Division of Family and Children; 470 IAC 3-1.1-30; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-31 Incomplete application

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 31. (a) An incomplete application shall be returned to the applicant with a notation as to omissions.

(b) The return of an incomplete application shall be without prejudice. (*Division of Family and Children; 470 IAC 3-1.1-31; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-32 Documentation requirements

Authority: IC 12-13-5-3

Affected: IC 5-2-12; IC 12-17.2

Sec. 32. (a) The licensee shall maintain the following documentation in the child care home for review by the COFC:

- (1) Record of initial physical examination of direct child care providers documenting that they are free of communicable disease.
- (2) Record of annual Mantoux tuberculin test or chest x-ray of direct child care provider which documents that they are free of tuberculosis.
- (3) Documentation of criminal history checks on employees, volunteers, and all household members who are at least eighteen (18) years of age.
- (4) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.
- (5) Documentation of certification of a current first aid course, training in "Universal Precautions", and annual CPR certification by direct child care providers.
- (6) Enrollment form for each child receiving services which shall include the following:
 - (A) Child's name and date of birth.
 - (B) Name, address, home and work telephone numbers of the child's parent or legal guardian.
 - (C) The telephone number of a responsible adult in case of emergency.
 - (D) The names of adults authorized to pick the child up from the home.
- (7) Release for emergency medical care for each child signed by the child's parent or legal guardian.
- (8) Statement as described in section 37(b) of this rule regarding each child's general health within thirty (30) days of admission.
- (9) Written permission from a parent or legal guardian that the child may participate in activities away from the child care home.
- (10) Written statement of the licensee's discipline policy signed by the child's parent or legal guardian.
- (11) Daily attendance records for children in the child care home which shall be maintained for at least two (2) years at the child care home site.
- (12) Annual vaccination records for animals subject to rabies.
- (13) Record of dates of quarterly fire drills which shall be maintained for at least two (2) years.
- (14) Written plan of evacuation for the child care home in case of emergency.

(b) Licensee shall keep records regarding each child as required by this rule. Upon request of the COFC, the licensee shall make these records available for review:

- (1) to determine compliance with these rules; and
- (2) when information is needed in a child protection investigation.

(c) The CDFC shall keep records regarding children and facts learned about children and their families confidential, and such records shall not be removed from the home except as needed in a negative licensing action or a child protective services (CPS) investigation. *(Division of Family and Children; 470 IAC 3-1.1-32; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3064; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-33 Staff requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 33. (a) The licensee may be the caregiver for no more than one (1) child care home. If a licensee operates more than one (1) child care home, the licensee shall maintain or employ a caregiver in each additional child care home.

(b) The assistant caregiver shall work under the direct supervision of the caregiver. If an assistant caregiver under twenty-one (21) years of age is left in charge of a child care home, the parent must be notified in writing.

(c) Student assistants and volunteers shall work under the direct supervision of a caregiver and shall not be left in charge of a child care home. *(Division of Family and Children; 470 IAC 3-1.1-33; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-33.5 Staff orientation, training, and development

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 33.5. (a) Direct child care providers, including volunteers, shall receive training in fire prevention and safety procedures within one (1) week of starting employment or volunteer work.

(b) Direct child care providers, including volunteers, shall receive training in the following within thirty (30) days of starting employment or volunteer work:

- (1) The child care home inspection checklist.
- (2) Confidential treatment of personal information about children in care and their families.
- (3) Procedures for preventing, detecting, and reporting suspected child abuse and neglect.
- (4) Universal precautions.

(c) Direct child care providers shall complete a first aid course every three (3) years which includes training for the emergency treatment of poisoning, seizures, hemorrhaging, and choking. The course must also include training in artificial respiration. Training shall be completed within ninety (90) days of starting employment or volunteer work.

(d) At least one (1) direct child care provider shall be trained in pediatric cardiopulmonary resuscitation training annually and shall be on the premises at all times. (*Division of Family and Children; 470 IAC 3-1.1-33.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3065; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-34 Medical requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 34. (a) Direct child care providers who work in the home more than three (3) times a month and all members of the household having direct contact with children receiving care shall have an initial physical examination by a physician or certified nurse practitioner indicating that they are free from communicable disease, have no physical or other condition which would endanger the health or welfare of children in care, and have an annual Mantoux tuberculin test or chest x-ray.

(b) The requirements stated in subsection (a) shall not be required for direct child care providers who present a signed statement to the COFC that their religious beliefs preclude compliance with the aforementioned medical requirements. The licensee shall provide written notice to the parents or legal guardians enrolling their children in the child care home that a religious exemption statement has been filed with the COFC by the child care provider.

(c) The above requirements shall be met within thirty (30) days of application. (*Division of Family and Children; 470 IAC 3-1.1-34; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3065; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-35 Reporting abuse, injury, illness, death, or emergency event

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 35. (a) The caregiver shall report immediately suspected physical abuse, sexual abuse, child neglect, or child exploitation as required by IC 31-6-11-3 [*IC 31-6 was repealed by P.L.268-1995, SECTION 17, effective July 1, 1995.*] to child protection services (CPS) or local law enforcement.

(b) A substantiated case of abuse or neglect in a child care home constitutes full and sufficient grounds for denial or revocation of the child care home license. (*Division of Family and Children; 470 IAC 3-1.1-35; filed Nov 14, 1991, 1:00 p.m.: 15 IR 499; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-36 Child/staff ratio (Repealed)

Sec. 36. (*Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073*)

470 IAC 3-1.1-36.5 Child to staff ratio

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 36.5. (a) The maximum capacity in a Class I child care home shall be twelve (12) children at any one (1) time plus three (3) children during the school year who are enrolled in at least Grade 1. The addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

- (b) Children shall not be left unattended and shall be supervised at all times.
- (c) Only direct child care providers shall be counted in determining the child to staff ratio.
- (d) The ratio shall include all unrelated children present in the home.
- (e) The following child to staff ratios apply:

Type of Home	Child:Staff Ratio
Infant/Toddler Mixed (Birth–24 months)	6:1*
Mixed Age Groups (Birth–6 years)	10:1*
3 years and older (3–10 years)	12:1

*Two (2) of the six (6) children must be at least sixteen (16) months of age and walking. Otherwise the ratio is 4:1.

*No more than three (3) of the ten (10) children may be under sixteen (16) months of age and must be walking.

(Division of Family and Children; 470 IAC 3-1.1-36.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-37 Requirements for admission to the home

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 37. (a) Prior to acceptance of children, the caregiver shall have the parent or legal guardian:

- (1) complete and sign an enrollment form for the child;
- (2) complete and sign a release for emergency medical care for the child;
- (3) sign a copy of the licensee's written discipline policy; and
- (4) see all areas of the home and property to be used for child care.

(b) Within thirty (30) days of a child's admission, the licensee shall receive a written statement from the child's parent or legal guardian signed by a physician or a certified nurse practitioner which states the following:

- (1) That the child can participate in the child care home's activities.
- (2) That the child has had immunizations which are up-to-date for the child's age.
- (3) Whether the child has allergies or any chronic health conditions.

(c) Caregiver shall inform the parent or legal guardian of their right to request in writing an exemption of the medical requirements as required by this section based upon their religious beliefs. Nothing in this subsection precludes the child care home from using emergency measures to treat such a child by first aid techniques or to exclude the child where control of a contagious disease may be necessary.

(d) A child shall not be required to comply with subsection (b)(2) and (b)(3) when the parent or legal guardian has provided a signed statement regarding religious exemptions to the care home licensee.

(e) Neither licensee nor caregiver shall discriminate relative to the admission of children on the basis of race, color, religion, sex, national origin, ancestry, or handicap.

(f) Caregiver shall inform the parent or legal guardian that unscheduled visits by a custodial parent or guardian shall be permitted at any time the child care home is in operation. *(Division of Family and Children; 470 IAC 3-1.1-37; filed Nov 14, 1991, 1:00 p.m.: 15 IR 499; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-38 Activities for healthy development

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 38. (a) The caregiver shall provide activities according to the age, developmental needs, interests, and number of children in care while including both active and quiet play which may consist of safe, age-appropriate toys, games, and equipment for both indoor and outdoor play.

(b) Opportunity shall be provided for children to play outdoors daily except when:

(1) the severity of the weather poses a safety or health hazard; or

(2) when there is a health related reason documented by a parent, legal guardian, or physician for a child to remain indoors.

(Division of Family and Children; 470 IAC 3-1.1-38; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-39 Swimming

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 39. (a) The caregiver shall be physically present at the swimming or wading pool to supervise when the children in care are swimming or wading.

(b) At least one (1) direct child care provider shall be available to supervise any children not swimming or wading in addition to staff requirements in section 36.5 of this rule.

(c) Child care providers shall empty portable wading pools immediately after use.

(d) All inground or nonportable aboveground swimming pools accessible to children shall be in compliance with local zoning ordinances and surrounded by a fence secured with a locked gate to prevent children from entering the area unsupervised. *(Division of Family and Children; 470 IAC 3-1.1-39; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-40 Transportation and activities away from the child care home

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 40. (a) Caregiver shall obtain written parental permission before taking a child away from the child care home for field trips or any other activities.

(b) Children may be transported by an individual eighteen (18) years of age or older having a valid driver's license and driving a properly licensed and insured vehicle in safe condition.

(c) Children shall be transported in safety restraint equipment that is in compliance with state laws.

(d) Direct child care providers shall not leave children unattended in a vehicle. *(Division of Family and Children; 470 IAC 3-1.1-40; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-41 Discipline

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 41. (a) The licensee shall provide the parent or legal guardian with a written copy of the discipline policy of the child care home.

(b) The following behavior shall be prohibited by all direct child care providers:

(1) Cruel, harsh, or unusual punishment.

(2) Withdrawal or the threat of withdrawal of scheduled meals or snacks, rest, or bathroom opportunities.

(Division of Family and Children; 470 IAC 3-1.1-41; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-42 Nutrition

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 42. (a) Appropriately timed, nutritious meals and snacks shall be made available in such quantity as to meet the needs of each child.

(b) Drinking water shall be available at all times. (*Division of Family and Children; 470 IAC 3-1.1-42; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-43 Sleep and rest

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 43. (a) A separate bed, cot, mat, or sleeping bag shall be provided for each child.

(b) A period for sleep, rest, or quiet time shall be provided during the day for children under five (5) years of age consistent with the needs of the child and in accordance with the wishes of the parent. (*Division of Family and Children; 470 IAC 3-1.1-43; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-44 Health

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 44. (a) The child care home must keep a Red Cross First Aid Manual or its equivalent in the child care home.

(b) The caregiver must maintain a first aid kit (as recommended by the American Red Cross First Aid Manual or its equivalent), including, but not limited to, syrup of ipecac with current date, in the child care home.

(c) Child care providers shall see that children's hands are washed at a sink with soap and warm running water before meals and snacks and after toilet use. Direct child care providers shall not permit children to use a common washcloth or towel.

(d) If a child is ill, direct child care providers shall:

- (1) care for the child in an area separate from the other children;
- (2) notify the child's parent or legal guardian; and
- (3) monitor the child until the parent or legal guardian arrives.

(e) The caregiver shall keep the phone numbers of the ambulance, police, fire department, poison control center, and nearest hospital by the telephone.

(f) Child care providers shall give or apply medication only with prior written permission from a parent or legal guardian, and only with clear, written instructions as to the dosage, time, and reason medication is to be given. Medication must be labeled with the child's name, physician's name, and pharmacy. Over-the-counter medication must also be labeled with the child's name. The caregiver shall keep a record of the date, time, and dosage of medication given.

(g) Pets must present no danger to children in the child care setting and are the sole responsibility of the child care home licensee.

(h) Direct child care providers shall restrict all animals from food areas during preparation and serving of food. (*Division of Family and Children; 470 IAC 3-1.1-44; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-45 General environment

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 45. (a) The licensee shall ensure that no conditions exist in the home or on the grounds where child care services are provided that would endanger the health, safety, or welfare of the children.

(b) The licensee shall identify areas in the home that will be used for child care. The child care areas shall contain adequate

space for child play and rest for the number of children in care.

(c) The licensee shall maintain a working telephone in the child care home and shall inform the COFC of any change in telephone number.

(d) The licensee shall provide a protected outdoor play area that is safely enclosed by either a fence or natural boundaries for children in care.

(e) The licensee shall ensure that the child care home is equipped with heat, light, and ventilation for normal occupancy.

(f) The licensee shall ensure that the kitchen is equipped with:

(1) a stove and oven or microwave;

(2) a refrigerator; and

(3) a sink with hot and cold running water;

in operating condition sufficient to accommodate the food requirements of the number of children in care. (*Division of Family and Children; 470 IAC 3-1.1-45; filed Nov 14, 1991, 1:00 p.m.: 15 IR 502; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3069; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-46 Fire prevention

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 46. (a) All child care homes shall have two (2) remotely located means of egress.

(b) A basement area in which child care services are provided shall have a direct exit at ground level not involving stairs or ramps. The interior staircase serving the first floor is acceptable as the second exit for a basement in which child care services are provided. An example of an allowable exit is a level area directly outside the exterior door that is at least thirty-two (32) square feet. This area may be a porch, deck, or stairway landing. Bi-level and tri-level homes which are licensed and hold a regular license with the division of family and children, as of the effective date of this section, are exempt.

(c) Each room of the home where child care services are provided is required to have at least two (2) means of escape (this may include one (1) window and one (1) door).

(d) All approved exit doors shall be operable from the inside without the use of a key or any special knowledge.

(e) A sliding glass door shall be acceptable as a direct exit provided that it is unobstructed, operable, and maintained in good working condition. If a screen door is attached, it shall meet the same criteria as the sliding door.

(f) A garage or any other area where hazardous materials are stored shall not be considered an approved exit.

(g) Exits shall not be blocked in the child care home.

(h) Portable, unvented oil-burning heating appliances shall not be used unless the heater complies with 675 IAC 22.

(i) Electric or gas heaters and solid fuel-burning appliances shall not be located in such a manner that they block escape in case of fire arising from a malfunctioning stove, heater, or appliance.

(j) When a fireplace serves as the primary source of heat, licensee shall provide glass doors, noncombustible hearth, grates, and proper fireplace tools for each fireplace in use while children are present. Child care providers shall ensure proper positioning of glass doors. If a fireplace is used at any time, it shall have a noncombustible hearth, screening, and grate. Licensee shall have the chimney flue inspected annually and cleaned if recommended. Licensee shall retain a written record of the inspections and cleanings for each fireplace used while children are present.

(k) Caregiver shall properly dispose of ashes from the fireplace in a noncombustible, covered receptacle which shall then be placed on the ground and away from any building or combustibles.

(l) Licensee shall provide electrical or battery-operated smoke detector that is installed to manufacturers' specifications and is located and adjusted to operate reliably in case of smoke in any part of the child care home, including not less than one (1) smoke detector at the top of each stairway and adjacent to all sleeping areas. The alarm should be loud enough to alert all occupants in the child care home.

(m) Licensee shall provide a two and one-half (2½) pound or greater ABC multiple purpose fire extinguisher which shall be located on each floor of the building in which child care services are provided, including an additional extinguisher located in the kitchen area of the child care home.

(n) Caregiver shall not permit trash, flammable, and combustible materials, including, but not limited to, paper and rags to accumulate upon the premises.

(o) Direct child care providers shall store flammable liquids in tightly sealed, marked containers appropriate to the type of

liquid being stored. Direct child care providers shall store no more than five (5) gallons of flammable liquids at any one (1) time in buildings used for child care and shall store all flammable liquids, lighters, and matches in an area inaccessible to children or in an approved fire cabinet.

(p) Direct child care providers shall not store combustible material within five (5) feet of furnaces and water heaters.

(q) The licensee shall identify the location and operation of the gas, electric, and water shut-offs and keep accessible the gas, electric, and water shut-offs in case of emergency.

(r) The caregiver shall have a written plan for evacuating in case of fire or other emergencies.

(s) The caregiver shall conduct and document quarterly fire drills.

(t) The electrical wiring shall be sized to provide for the load. There must not be exposed or uninsulated wiring. If used, extension cords shall not be overloaded or over six (6) feet in length.

(u) The licensee shall notify the local fire department at the time of application or relicensure of the licensed capacity and the hours of operation of the home.

(v) Caregiver shall promptly notify the local fire departments upon discovery of any fire, whether or not extinguished, and advise of the circumstances and location of the fire.

(w) Caregiver shall promptly notify the local fire department upon discovery of:

(1) spontaneous or abnormal heating;

(2) any uncontrolled gas leak; or

(3) a significant spill of hazardous material or flammable or combustible liquid.

(x) Licensee shall permit inspection of the child care home by the SFM if requested by the CDFC upon recommendation of the COFC. If such an inspection is requested, approval would be required by the SFM prior to full licensure. (*Division of Family and Children; 470 IAC 3-1.1-46; filed Nov 14, 1991, 1:00 p.m.: 15 IR 502; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3069; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-47 Sanitation

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 47. (a) The licensee shall provide and maintain screens for windows and exterior doors when windows and doors are kept open for ventilation.

(b) The licensee shall ensure that the child care home has hot and cold running water and at least one (1) toilet and sink accessible to children on each floor of the home where services are provided. Water from a source other than a regular municipal water supply shall be tested annually for compliance with water quality requirements.

(c) Direct child care providers shall wash and sanitize all food preparation areas, serving areas, and utensils daily.

(d) Caregiver shall keep garbage in containers with tight-fitting lids and remove it from the premises at least once a week. Waste paper need not be kept in a closed container. (*Division of Family and Children; 470 IAC 3-1.1-47; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-48 Safety

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 48. (a) Direct child care providers shall keep protective coverings over exposed electrical outlets.

(b) If fans or heaters are used, licensee shall provide models that are protected by safety devices which will not allow a child's fingers to come in contact with the blade or heating element.

(c) Caregiver shall keep poisonous or hazardous materials that would harm children, including, but not limited to:

(1) cleaning supplies;

(2) detergents;

(3) insect sprays; and

(4) medication;

in areas inaccessible to children.

(d) Caregiver shall store implements and tools, including, but not limited to:

- (1) power tools;
- (2) hand tools; and
- (3) gardening tools;

in areas inaccessible to children.

(e) When children are present in the child care home, caregiver shall keep all ammunition and firearms in a locked area that is inaccessible to children at all times. (*Division of Family and Children; 470 IAC 3-1.1-48; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-49 Variances and waivers

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 49. (a) The CDFC may grant a variance to a rule if an applicant for a license or a licensee:

- (1) submits to the COFC a written request for the variance in the form and manner specified by the CDFC; and
- (2) documents that an alternative method of compliance approved by the CDFC will not be adverse to the health, safety, or welfare of any child receiving services.

(b) The CDFC may grant a waiver of a rule if an applicant for a license or a licensee:

- (1) submits to the COFC a written request for the waiver in the form and manner specified by the CDFC;
- (2) documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the CDFC;
- (3) documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the CDFC after the waiver is granted as determined by the CDFC; and
- (4) documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of any child receiving services from the applicant for the waiver, as determined by the CDFC.

(c) The CDFC shall issue a decision on a variance or waiver within sixty (60) days.

(d) Violation of a condition of a variance or a waiver granted under this section may be grounds for denial or revocation of the variance or waiver. (*Division of Family and Children; 470 IAC 3-1.1-49; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 1.2. Infant and Toddler Services in a Child Care Home

470 IAC 3-1.2-1 Infant and toddler child care services

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. A licensee who provides child care services for infants or toddlers shall meet all the requirements of this rule. If there is any difference in requirements, the specific information contained in this rule shall prevail. (*Division of Family and Children; 470 IAC 3-1.2-1; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-2 "Full-sized crib" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. As used in this rule, "full-sized crib" means a child's bed which has an interior dimension greater than fifty-two and three-eighths ($52 \frac{3}{8}$) inches plus or minus five-eighths ($\frac{5}{8}$) inch in length, and twenty-eight (28) inches plus or minus five-eighths ($\frac{5}{8}$) inch in width. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-six (26) inches. (*Division of Family and Children; 470 IAC 3-1.2-2; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-3 "Portacrib" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 3. As used in this rule, "portacrib" means a child's portable bed which has an interior dimension smaller than forty-nine and three-fourths (49 3/4) inches plus or minus five-eighths (5/8) inch in length but not less than thirty-six (36) inches in length, and twenty-five and three-eighths (25 3/8) inches plus or minus five-eighths (5/8) inch in width but not less than twenty-four (24) inches in width. With the mattress support in its lowest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-two (22) inches. (*Division of Family and Children; 470 IAC 3-1.2-3; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-4 Activities for healthy development

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4. (a) The caregiver shall have stairways guarded by a gate or closed door.

(b) After discussion with the parent or legal guardian of each infant or toddler in care, caregiver shall:

(1) establish flexible routines for naps, feedings, diapering, and toilet training;

(2) provide opportunities for play and exploration of the environment; and

(3) periodically change the available toys and the place and position of infants not yet able to move about on their own.

(*Division of Family and Children; 470 IAC 3-1.2-4; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-5 Naps

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 5. (a) Licensee shall provide a separate crib, portacrib, or playpen in which each infant or toddler can sleep. Each crib, portacrib, or playpen shall be equipped with a firm-fitting mattress or pad made of waterproof materials. A parent or legal guardian may provide or approve the use of a bassinet for an infant and is responsible along with the caregiver to monitor its use closely. (Manufacturers of bassinets indicate that a bassinet should no longer be used once an infant begins moving and turning unassisted.)

(b) The licensee may use washable cots, sleeping bags, or mats for toddlers over twenty-four (24) months of age. (*Division of Family and Children; 470 IAC 3-1.2-5; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-6 Diaper changing and toilet training

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 6. (a) The licensee shall provide an area for diaper changing with a washable surface on which the infant or toddler may be placed. The diaper changing surface must have waterproof material between the child and the surface of the changing area. This material shall be changed after each use. The diaper changing area shall be sanitized daily and when soiled.

(b) Licensee shall supply a covered container for wet or soiled diapers.

(c) Direct child care providers changing diapers shall wash their hands with soap and running water after each diaper change.

(d) When a chair designed specifically for toilet training is used, direct child care provider shall empty it after each use and sanitize it at least daily. (*Division of Family and Children; 470 IAC 3-1.2-6; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-7 Feeding

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7. (a) Direct child care providers shall feed infants and toddlers according to their dietary needs and shall hold infants during bottle feedings until they demonstrate their ability to hold their own bottles.

(b) If more than one (1) infant or toddler in care is bottle fed, all bottles shall be labeled with the child's name.

(c) Direct child care providers shall not prop feeding bottles. (*Division of Family and Children; 470 IAC 3-1.2-7; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 1.3. Class II Child Care Homes

470 IAC 3-1.3-1 Class II child care home services

Authority: IC 12-13-5-3

Affected: IC 12-17.2-5-6.5

Sec. 1. A Class II child care home serves more than twelve (12) children but not more than sixteen (16) full-time and part-time children at any one (1) time. A licensee who provides Class II child care shall meet all the requirements of 470 IAC 3-1.1 and 470 IAC 3-1.2 as well as the requirements of this rule. If there is any difference in requirements, the specific information contained in IC 12-17.2-5-6.5 shall prevail. (*Division of Family and Children; 470 IAC 3-1.3-1; filed Sep 27, 1996, 12:35 p.m.: 20 IR 322; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 2. Licensing of Child Placing Agencies

470 IAC 3-2-1 Definition of child-placing agency or business of placing children

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. Child-Placing Agency or the Business of Placing Children, Definition. A child-placing agency is defined as any person, association or corporation who advertises himself or itself or holds himself or itself out as placing or finding homes for or otherwise disposing of children or who places or assists in placing in homes of persons other than relatives or causes or assists in causing the placement for adoption or disposal otherwise of children.

Sec. 5, Ch. 185, Acts 1945; Burns 22-2420 (*Division of Family and Children; Title 3, Ch 2, Reg 3-201; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 339; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-2 Application for license for child-placing agency

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. Application for License for Child-Placing Agency. Application for a license to operate a child-placing agency shall be submitted to the State Department of Public Welfare on the forms provided for that purpose by the State Department of Public Welfare.

Sec. 6, Ch. 185, Acts 1945; Burns 22-2421

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 2, Reg 3-202; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-3 Governing board

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. Governing Board. Each child-placing agency shall be organized so that the responsibility for the agency's practices, procedures and administrative policies is vested in an advisory board or local governing body composed of not less than three responsible citizens.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 2, Reg 3-203; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-4 Financing

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. Financing. Each child-placing agency shall maintain at all times adequate financial resources to meet the minimum standards required by the rules and regulations of the State Department of Public Welfare, and shall furnish annually to the State Department of Public Welfare and at such other times as may be requested by the the State Department of Public Welfare satisfactory evidence of such financial ability.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 2, Reg 3-204; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-5 Personnel; standards for number and type of employees

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. Personnel. (a) Each child-placing agency shall employ a competent, qualified and reputable executive, and a sufficient number of competent and qualified employees to provide adequate supervision and service for the children under care of the agency. Either the case work supervisor or the case workers employed by such agency shall have had case work training in a recognized school of social work, including supervised case work in the field, and at least one year of child-placing experience in a recognized or licensed agency having responsibility for the placement of children in foster care.

(b) The following standard shall be used as a guide by each child-placing agency and by the State Department of Public Welfare in determining the number of case workers needed by the child-placing agency:

The number of children in foster care under the supervision of one case worker should not exceed 50; and, if other responsibilities such as foster home finding, intake duties, adoptive studies and similarly related activities are also required of a case worker, the number of children under the supervision of that worker should be reduced proportionately by the time devoted to such other responsibilities.

(c) Each child-placing agency shall employ as staff members only persons duly qualified, of good character as evidenced by character references, and in satisfactory health.

(d) Each child-placing agency shall employ a sufficient number of office staff members to properly maintain office administrative procedures on a current basis.

(e) Each child-placing agency furnishing medical or dental care to children in the care of the agency shall use the services of only licensed physicians and dentists.

(f) Each child-placing agency shall adopt specific written policies regarding personnel practices affecting staff members of the agency.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 2, Reg 3-205; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-6 Personnel qualifications

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. Personnel Qualifications. Each child-placing agency shall establish minimum qualifications for each classification of employee. The following standards shall be used as a guide by each child-placing agency in establishing minimum qualifications for the classifications of executive, case work supervisor, case worker and worker in training and by the State Department of Public Welfare in the licensing of each child-placing agency:

(a) Each child-placing agency employing less than four case workers should employ either an executive meeting the qualifications of Executive B as hereinafter set out, and case workers meeting the qualifications of Case Worker A as hereinafter set out, OR, an executive meeting the qualifications of Executive A as hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out.

(b) Each child-placing agency employing four or more case workers should employ either an executive meeting the qualifications of Executive B as hereinafter set out, a supervisor meeting the qualifications of Case Work Supervisor A as

hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out, OR, an executive meeting the qualifications of Executive A as hereinafter set out, a case work supervisor meeting the qualifications of Case Work Supervisor B as hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out.

(c) Each child-placing agency employing a case work supervisor may also employ a minimum number of workers in training who meet the qualifications as hereinafter set out.

(d) The qualifications for Executives A and B, Case Work Supervisors A and B, Case Workers A and B, and Workers in Training should be:

(1) Executive B. The qualifications of a person qualifying for the position of Executive B in a child-placing agency should be graduation from an accredited four year college plus five years of paid experience in some field of work related to social work of which at least two years should have been in social work or in a responsible supervisory or administrative capacity in the field related to social work.

(2) Executive A. The qualifications of a person qualifying for the position of Executive A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field; plus two years of paid experience in the field of social work, one year of which should have been in a responsible supervisory or administrative capacity; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of paid experience in the field of social work.

(3) Case Work Supervisor B. The qualifications of a person qualifying for the position of Case Work Supervisor B in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field, plus two years of supervised paid case work experience, at least one year of which should have been in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of supervised paid case work experience, but there should be no substitution for the required one year of supervised paid case work experience in an approved child-placing agency.

(4) Case Work Supervisor A. The qualifications of a person qualifying for the position of Case Work Supervisor A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field, plus three years of paid social work experience, two years of which should have been supervised case work experience in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one of the required two years of paid case work experience in an approved child-placing agency.

(5) Case Worker B. The qualifications of a person qualifying for the position of Case Worker B in a child-placing agency should be graduation from an accredited four year college, plus five years of supervised paid case work experience, at least two years of which should have been in an approved child-placing agency; except that one year of graduate training in a recognized school of social work, including supervised case work in the field, may be substituted for the required five years of supervised paid case work experience.

(6) Case Worker A. The qualifications of a person qualifying for the position of Case Worker A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work, including supervised case work in the field, plus two years of supervised paid case work experience, one year of which should have been in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of supervised paid case work experience, but there should be no substitution for the required one year of paid case work experience in an approved child-placing agency.

(7) Worker in Training. The qualifications of a person qualifying for the position of Worker in Training in a child-placing agency should be graduation from an accredited four year college.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 2, Reg 3-206; filed Dec 31, 1948, 10:30 am; Rules and Regs. 1949, p. 341; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-7 Office space and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7. Office Space and Equipment. (a) Each child-placing agency shall maintain offices providing adequate space, heat, light, ventilation, and office equipment, and shall be easily accessible to the community.

(b) Each child-placing agency shall maintain office facilities for private interviews and supervisory conferences.

Sec. 6, Ch. 185, Acts 1945; Burns 22-2421

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 2, Reg 3-207; filed Dec 31, 1948, 10:30 am; Rules and Regs. 1949, p. 345; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-8 Records and reports

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 8. Records and Reports. (a) Each child-placing agency shall maintain records in a systematic manner, which shall include financial records, statistical records, an index of the exact location of each child in the care of the agency, and an index of all case and foster home records, and all case records and foster home records shall be kept in locked metal or fire-resistive files.

(b) Each child-placing agency shall also maintain a case record on each child or family of children in the care of the child-placing agency, which record shall include: a face sheet giving all identifying information; health record showing history of diseases, immunizations, physical examinations and treatment; consent for emergency operations and use of anaesthetics; identifying information on placements of the child. Each case record shall also include a narrative record giving the social information which was secured at intake; reasons for accepting the child for placement; reasons for making specific plans for a child; reasons for changes in plans or changes in placements; development and adjustment of the child in placement; work with the child's family; supervision of the child in placement in foster care; reasons for discharge of the child from the care of the agency. Each case record shall also include any reports of psychological examinations or psychiatric consultations or interviews, school records, or legal papers or written agreements with relatives or other agencies.

(c) Each child-placing agency shall maintain a record for each foster home used by the child-placing agency which shall include: application; report of the study of the foster family; record of the child or children placed in the home; regular evaluations of the use of the foster home.

Sec. 14, Ch. 185, Acts 1945; Burns 22-2429 (*Division of Family and Children; Title 3, Ch 2, Reg 3-208; filed Dec 31, 1948, 10:30 am; Rules and Regs. 1949, p. 345; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-9 Intake and initial social study; written policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 9. Intake and Initial Social Study. (a) Each child-placing agency shall adopt written policies in regard to accepting children for placement in foster care.

(b) Each child-placing agency shall secure and record sufficient social information to determine that placement of a child in foster care is for the best interests of the child, before making such placement.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427

Sec. 14, Ch. 185; Acts 1945; Burns 22-2429 (*Division of Family and Children; Title 3, Ch 2, Reg 3-209; filed Dec 31, 1948, 10:30 am; Rules and Regs. 1949, p. 346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-10 Placement and supervision; written policies; continuing responsibility while in foster care

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 10. Placement and Supervision. (a) Each child-placing agency shall use only those boarding homes and child-caring

institutions which are licensed under the laws of the State of Indiana or the laws of the state in which such boarding home or child-caring institution is located.

(b) Each child-placing agency shall adopt written policies for the study and use of adoptive, work, wage, and free homes, if such homes are used.

(c) Each child-placing agency shall adopt written policies for the use of boarding homes and child-caring institutions, if such homes and institutions are used.

(d) Each child-placing agency, after giving due consideration to the emotional and physical needs and religious background of the child or parents of the child, shall select a foster home or child-caring institution wherein the foster care given to the child will be for the best interests of the child.

(e) Each child-placing agency shall replace a child in foster care only when such replacement will serve the best interests of the child.

(f) Each child-placing agency shall, after giving due regard to the best interests of the child, provide for regular supervisory visits to each child in foster care.

(g) Each child-placing agency shall, after placement of a child in foster care, plan for case work with the child's own family, the amount and kind of such work to be determined by the best interests of the child and his family.

(h) Each child-placing agency shall continue responsibility for a child who has been placed in foster care until: The child is returned to his own family and the family no longer desires or needs the services of the agency; legal adoption has been completed; the responsibility for his care has been transferred to another agency; the child reaches 21 years of age; or it is determined that the child can function on his own responsibility and that his best interests will be served by discontinuing responsibility.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 2, Reg 3-210; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-11 Health program; physical and dental examinations

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 11. Health Program. (a) Each child-placing agency shall establish and maintain a definite health program for the care of children accepted and placed in foster care, which shall include a definite plan for the care of sick children and children requiring surgical care; and such program shall be approved by the State Board of Health.

(b) Each child, upon acceptance by the child-placing agency for placement in foster care, shall be given a thorough physical examination by a duly licensed physician, and every reasonable effort shall be made by the child-placing agency to provide or arrange for any treatment recommended by the examining physician.

(c) Each child in foster care shall be given a physical examination at least annually, or as often as the age or condition of the child requires, by a duly licensed physician, and every reasonable effort shall be made by the child-placing agency to provide or arrange for any treatment recommended by the examining physician.

(d) Each child, upon acceptance by the child-placing agency for placement in foster care, shall be given a dental examination, and shall also be given a dental examination annually thereafter, and any treatment recommended by the examining dentist shall be provided or arranged for by the child-placing agency. Whenever the condition of any child indicates need for dental examination or treatment, the child shall be examined by a duly licensed dentist, and any treatment required shall be provided or arranged for by the child-placing agency.

(e) Each child-placing agency shall maintain a record of the medical and dental history and treatment of each child.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Division of Family and Children; Title 3, Ch 2, Reg 3-211; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-2-12 Exceptions and variances; written application

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 12. Exceptions and Variances. The State Department of Public Welfare, the State Board of Health, and the State Fire Marshal shall have authority to grant exceptions or variances of the provisions of these rules and regulations [470 IAC 3-2] upon application in writing to the State Department of Public Welfare by the operator or licensee of a child-placing agency or its duly

authorized agent when there are practical difficulties in the way of carrying out the strict letter of these rules and regulations [470 IAC 3-2] but when there is substantial or equivalent compliance with the spirit and intent of these rules and regulations [470 IAC 3-2]. Any exception or variance granted shall be entered upon the records of the State Department of Public Welfare as the licensing agency and upon the records of the respective state agency granting the exception or variance, and a signed copy shall be furnished the applicant.

Sec. 7, Ch. 185, Acts 1945; Burns 22-2422 (*Division of Family and Children; Title 3, Ch 2, Reg 3-212; filed Dec 31, 1948, 10:30 am; Rules and Regs. 1949, p. 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 3. Licensing of Child Caring Institutions (Repealed)

(Repealed by Division of Family and Children; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981)

Rule 4. Licensing Day Nurseries (Repealed)

(Repealed by Division of Family and Children; filed Oct 18, 1985, 8:41 am: 9 IR 505)

Rule 4.1. Licensing Child Care Centers

470 IAC 3-4.1-1 Day nursery defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. "Day nursery" means any institution operated for the purpose of providing care and maintenance to children separated from their parent, guardian or custodian during a part of the day for two or more consecutive weeks, except a school or other bona fide educational institution. (*Division of Family and Children; 470 IAC 3-4.1-1; filed Oct 18, 1985, 8:41 am: 9 IR 482; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.1-2 Definitions

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. "Admission" means the process of entering a child in a day nursery. The date of admission is the first day on which the child is actually present in the facility.

"Application" means the form furnished by the state department to gather information about and to document the intent of the person(s) wishing to operate a day nursery. The application includes all SDPW material required for licensing.

"Attendance" means children actually present in the day nursery at any given time.

"Corporal punishment" means any kind of punishment inflicted upon the body.

"Day care center" means a day nursery.

"Director" means the person responsible for the operation of the day nursery at all times.

"Discipline" means training which corrects inappropriate behavior, teaches an orderly way of life, and protects and maintains the integrity of the individual.

"Enrollment" means the list of names of children registered with the day nursery. (Not to be confused with attendance.)

"Facility" means day nursery.

"Food service" means the preparation and serving of meals and snacks.

"Group" means a specific number of children assigned to specific staff member(s).

"In service training" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, or time with consultants and may be in subject areas such as child care, child development, early childhood education, first aid training, fire safety, or fire evacuation.

"License" means a complete document issued to a day nursery, authorizing its operation at a specific location, and specifying the number of children which may be cared for, the age range of the children, and the expiration date of said authorization. Licensure implies that operation of the day nursery will be in compliance with 470 IAC 3-4.1.

"One consecutive year" means 24 consecutive months: the initial year of licensure, plus one more year.

"Physician" means a person holding an unlimited license to practice medicine in the state of Indiana.

“Program” means the services and activities which are provided by a day nursery; the daily schedule.

“Provisional license” means a license issued to a facility which is temporarily unable to conform to all rules and regulations of the state department. A provisional license may not be reissued for more than one consecutive year.

“Punishment” means the use of force to correct behavior.

“Room” means an area enclosed on all sides by walls which extend from floor to ceiling.

“State department” means the Indiana state department of public welfare. (*Division of Family and Children; 470 IAC 3-4.1-2; filed Oct 18, 1985, 8:41 am: 9 IR 482; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.1-3 Purpose of rule

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. 470 IAC 3-4.1 represents the minimum standards necessary to operate a day nursery in Indiana. This material has been established and promulgated in accordance with IC 12-3-2 [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*] IC 12-3-2-12 [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*] mandated the state department of public welfare (SDPW) to adopt rules concerning the licensing and inspecting of day nurseries. These rules, to be used by the SDPW in their licensing and inspections, have been developed after consultation with the state board of health (SBH), the state fire marshal (SFM) and the board for the coordination of child care regulation established under IC 12-3-2-12.9 [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*] (*Division of Family and Children; 470 IAC 3-4.1-3; filed Oct 18, 1985, 8:41 am: 9 IR 483; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.1-4 Exemptions

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. (a) Exempt from 470 IAC 3-4.1 is an individual who provides child care:

- (1) in his residence; and
- (2) for less than 24 continuous hours; and
- (3) to five or fewer children, excluding his relatives.

(b) A day nursery that is operated by a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code (26 U.S.C. Section 501), is exempt from licensing under 470 IAC 3-4.1, provided that it is registered with the SBH and SFM, using forms provided by those agencies, and pays a \$50 annual fee to each of those agencies. Nothing prevents such an exempt day nursery from applying for licensure. If a license is granted, the nursery shall comply with all regulations governing licensure. (*Division of Family and Children; 470 IAC 3-4.1-4; filed Oct 18, 1985, 8:41 am: 9 IR 483; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.1-5 Licensure

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. (a) Application. Application for a license to operate a day nursery shall be submitted annually to the SDPW on forms provided for that purpose by that agency.

If children under the age of two are to be cared for, a special license must be obtained from the SDPW. (See 470 IAC 3-4.2 for regulations concerning infant/toddler care.)

(b) The License. The license shall state the name of the licensee, the kind of business to be licensed, the particular premises in or at which the business shall be carried on, and the number of children that may be cared for at any one time. No greater number of children shall be kept at one time than is authorized in the license.

The license shall be posted in a conspicuous place in the day nursery.

(c) Provisional License. A provisional license may be issued to a day nursery which is temporarily unable to conform to all rules and regulations of the SDPW. A provisional license may not be reissued for more than one consecutive year. Reason(s) for issuance of a provisional license shall be stated on the face of the license.

All new facilities will be issued a provisional license for the first six months of operation.

(d) Cause for Termination of License. A day nursery license shall be terminated and a new application required whenever:

- (1) the name of the licensee changes;
- (2) the location of the day nursery changes;
- (3) the number of children to be cared for at any one time is more than the number for whom the license is granted;
- (4) the children to be cared for at any one time includes a child or children beneath the age of two years (unless a special license is held to provide infant or toddler care); or
- (5) the day nursery discontinues service.

(e) Inspections. The SDPW shall annually and may at any time, visit and inspect or designate a person to visit and inspect the premises licensed. They shall have the authority at any time to investigate and examine the records and conditions of any licensed day nursery.

The SBH shall annually and may at any time visit or designate a person to visit any licensee to advise on matters affecting the health of children, such as diet and medical care, and to inspect the sanitation of the buildings used for their care.

The SFM shall annually or may at any time visit or designate a person to visit any licensee to ensure fire safety and compliance with the rules of the fire prevention and building safety commission (FPBSC) in 675 IAC.

(f) Exceptions and Variances. The SDPW within its own right, or upon the recommendation of the SBH, shall have the authority to grant an exception or variance to the provisions of 470 IAC 3-4.1, except those provisions affecting fire or building safety, upon application in writing to the SDPW by the director of a nursery. Such application will be considered only when there are practical difficulties which preclude carrying out the strict letter of 470 IAC 3-4.1, and when there is substantial or equivalent compliance with them, and when such exception or variance in no way would create or perpetuate a condition or situation hazardous to the safety or well-being of a child. The nature of any exception or variance granted shall be described in the records of the SDPW as the licensing agency and in the records of the other state agency(ies) which recommended the granting of the exception or variance.

To secure a variance to building and fire safety rules requires the request to be submitted to the FPBSC with concurrent notification to the SDPW. A request for a waiver from the SBH and/or SDPW must be submitted to the SDPW.

(g) Appeals. Any individual, firm, corporation, association, or political subdivision whose license has been refused or revoked may appeal the action of the SDPW through the procedures of the Administrative Adjudication Act [IC 4-21.5]. (*Division of Family and Children; 470 IAC 3-4.1-5; filed Oct 18, 1985, 8:41 am; 9 IR 483; readopted filed Jul 12, 2001, 1:40 p.m.; 24 IR 4235*)

470 IAC 3-4.1-6 Reporting requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) It shall be the responsibility of each day nursery to report promptly to the SDPW the following changes or events:

- (1) change in the name of licensee;
- (2) change in the location of the day nursery prior to relocation;
- (3) change in the number of children to be cared for, if in excess of the number authorized in the license, prior to the acceptance of such additional children;
- (4) change in the ages of children to be cared for, when such change includes care for children beneath the age of two years (if the licensee does not hold a special license to provide infant or toddler care), prior to the acceptance of such child or children;
- (5) change in the hours of operation, when such change includes hours between 8:00 p.m. and 6:00 a.m.;
- (6) the act of discontinuing day nursery operation and the effective date of such discontinuance;
- (7) major alterations or changes in housing or in use of rooms prior to making such alterations or changes;
- (8) employment of a new director;
- (9) major changes in the services offered, or in the schedule of operating hours prior to making such changes;
- (10) any damage caused by fire or natural disaster which occurs on the premises of the day nursery;
- (11) the serious injury or the death of any child which occurred while the child was on the premises of the day nursery or while in the care of the day nursery personnel.

(b) Reporting Child Abuse or Neglect. Any suspected or known incidents or evidence of child abuse or neglect must be reported to the county department of public welfare, child protective services unit. (See IC 31-6-11 [IC 31-6 was repealed by 268-

1995, SECTION 17, effective July 1, 1995.] for laws regarding the reporting of abuse or neglect.) (Division of Family and Children; 470 IAC 3-4.1-6; filed Oct 18, 1985, 8:41 am; 9 IR 484; readopted filed Jul 12, 2001, 1:40 p.m.; 24 IR 4235)

470 IAC 3-4.1-7 Administration

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 7. (a) Financing and Accounting. A bookkeeping system shall be maintained.

(b) Admission Policies. Admission policies shall be clearly defined, formulated in writing, and made known to all applicants.

The day nursery shall accept only children who are at a stage of growth and development which enables them to benefit from its program, and for whose age level the nursery is staffed and equipped to provide care.

The day nursery shall not admit or maintain any child whose needs it obviously cannot meet or whose behavior would be dangerous for other children in the nursery. Explicit, documented reasons for refusal to admit or provide care to a child shall be provided in written form to parents.

There shall be no discrimination on the basis of race, color, religion, sex, national origin or handicap.

If the day nursery accepts children on a part-time or drop-in basis, all of 470 IAC 3-4.1 shall apply to these children.

(c) Intake Agreement. Prior to admission, an intake agreement shall be completed for each child, and signed by the parent(s).

The following items shall be included:

- (1) personal information (child's name, address, and birthdate);
- (2) names and addresses of parents and telephone numbers at which they can be reached while the child is in care;
- (3) hours of operation of day nursery;
- (4) a statement that the child will be released only to a parent or a person named by the parent, and a statement that persons bringing or picking up the child will be sure that a staff member is aware of the child's arrival or departure;
- (5) an emergency medical authorization;
- (6) transportation permission, if applicable;
- (7) a plan for payment of fees;
- (8) a plan for furnishing breakfast or dinner, if appropriate;
- (9) a statement providing for parent conferences, specifying frequency of such conferences;
- (10) a statement regarding the necessity of a pre-entrance health examination, including immunizations and tuberculin testing;
- (11) a statement that the day nursery must notify the parents of any significant occurrences or problems which affect the child, including exposure to communicable diseases;
- (12) a statement that the day nursery's discipline policy has been fully explained to the parents, and that any disciplinary action taken will be reported to the parents and noted in the child's case record. (Please refer to 470 IAC 3-4.1-10(a)(3), Discipline and Guidance.)

The signed intake agreement shall be filed in the child's record.

In addition, pre-admission social and child development histories shall be obtained through interviews with the parents and observation of the child to determine whether the service will meet the needs of the child and his parents. Special problems or needs of a child shall be noted.

(d) Personnel Policies. The day nursery shall have written personnel policies relating to employment. The statement of personnel policies shall be made available to each employee.

The day nursery shall provide each new employee planned orientation to his/her job within two weeks of the starting date of employment. Documentation of orientation shall be recorded in each employee's personnel file.

Continuing on-the-job training shall be provided for each employee as a part of the regular program of the nursery. Each child care staff member, including the director, shall participate yearly in at least 12 clock hours of formalized in-service education. This education shall be documented in the staff person's record. A year shall be defined as 12 months from the date of employment.

The day nursery shall ensure that each employee providing direct care to children will be trained in basic first aid techniques.

Staff shall be informed of 470 IAC 3-4.1, IC 12-3-2 [IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (the licensing law), and written day nursery policies, including discipline. These documents shall be available to staff for review.

Instructions shall be given on symptoms of child abuse or neglect and the staff's responsibility for reporting these.

Smoking is prohibited in the presence of children or in areas which will be occupied by children.

(e) Record Keeping. All records pertaining to personnel, the children enrolled, and financial operation shall be maintained at the day nursery.

(1) Personnel Records. An individual record shall be established and maintained for each staff member of the nursery. It shall include the following information:

Prior to Employment

- (A) application;
- (B) name, address, and telephone number;
- (C) name, address, and telephone number of the person to be notified in the event of an emergency;
- (D) health records documenting pre-employment examination and results of tuberculin testing;
- (E) documentation of training, education, experience and other qualifications;
- (F) references and reports (when available) from former employers with evaluations of ability, character and suitability for working with children.

After Employment

- (A) attendance record;
- (B) annual report of tuberculin test results;
- (C) annual evaluation of employee's performance;
- (D) documentation of workshops or training sessions attended, and of courses of study successfully completed;
- (E) dates of employment and termination with reasons for termination.

(2) Child's Record. The day nursery shall keep adequate social and progress records, as well as identifying information, on each child in care. Such record(s) shall be released upon the written request of the parent(s). The record shall include:

- (A) the signed intake agreement;
- (B) places of employment of the parents, if employed, and the employers' addresses and telephone numbers;
- (C) names, addresses and telephone numbers of physician and dentist to call in emergencies;
- (D) name and telephone number of person(s) authorized to remove child from premises;
- (E) name, telephone number and address of responsible person who may be called to come for the child in case of illness or other emergency if the parents cannot be reached;
- (F) identification of person having legal custody of the child if custody has been removed from one or both parents;
- (G) health record, which shall include the information required in 470 IAC 3-4.1-12(a), health requirements for children, and a record of observations and incidents regarding each child under care. (This includes accidents, minor injuries, emotional upsets, unusual sleepiness, lack of vitality, any other unusual condition which may be associated with a possible health condition, or any sign of possible abuse and/or neglect.)

(3) Attendance Record. A daily attendance record for each child shall be maintained.

(Division of Family and Children; 470 IAC 3-4.1-7; filed Oct 18, 1985, 8:41 am: 9 IR 485; errata, 9 IR 1667; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-4.1-8 Personnel requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 8. (a) Health Requirements for All Staff. No person shall be permitted to perform any services in the nursery until he/she has furnished the nursery with a statement from a physician that he/she is free of tuberculosis in an infectious state. Each such person is required to have a health examination within three months prior to entering the service of the nursery. The examination shall include a chest x-ray or Mantoux tuberculin test and may include other laboratory tests and immunizations as deemed necessary by the attending physician. If the tuberculin test is positive, the chest x-ray is mandatory.

Annual Mantoux tuberculin testing is mandatory for all persons having direct contact with children.

Volunteers, substitutes, student aides, and any other personnel having direct contact with the children or providing food service are also subject to this requirement. Records shall be kept for all of these persons.

(b) Specific Requirements.

(1) Director

- (A) Age. The director must be at least 21 years of age.
- (B) Education and Experience. The minimum qualifications for director are:

- (i) a bachelor's degree from an accredited college or university, including 15 credit hours in Early Childhood Education or related fields, with grades of "C" or better, earned during or after the four year course of study; or
- (ii) a two year associate degree in Early Childhood Education and three years of experience providing direct services to children in a licensed day nursery or child teaching facility.

A person who is serving as a director on the effective date of 470 IAC 3-4.1 is exempt from the specific educational requirements for this position provided that his/her position continues as a director.

(C) Responsibilities. The director shall be responsible for the operation of the day nursery at all times. He/she shall ensure that on-going training in the fields of early childhood education, child abuse education, health and safety is provided to all staff giving direct care to children.

During any necessary absence of the director, a responsible staff member shall be designated to be in charge. The name of the person who is to act in the absence of the director shall be written and posted in a conspicuous place in the day nursery. This person shall have sufficient knowledge of 470 IAC 3-4.1, emergency procedures, and the ability to communicate with staff from the various state regulating agencies as necessary to carry on normal operation of the facility.

No day nursery shall operate at any time without a responsible person age 21 years or over present on the premises of the nursery. No volunteer shall be left in charge of a day nursery.

No director shall permit other employment or activities, within or away from the day nursery, to interfere with the efficient and proper operation of the day nursery.

(2) Administrator. If the day nursery's owner or operator serves only in the capacity of an administrative executive or administrator carrying out responsibility for personnel, purchasing equipment and supplies, other fiscal matters, and supervision of maintenance, he/she need not meet the educational and experiential requirements of the director. However, he/she must employ a director with the qualifications specified for that position.

(3) Teaching Staff. Persons having direct contact with children shall be equipped by education, training, skill and experience to provide for the child's proper training and development.

All teaching and child care staff must be at least 18 years of age and shall give evidence of continuing study and development in the field of early childhood education by documented attendance at workshops, by reading current literature, and by participation in the nursery's program of on-the-job training. (See 470 IAC 3-4.1-7(d), Personnel Policies.)

All employees providing direct care to children shall have training in basic first aid within three months of employment and at least every three years thereafter.

All teaching and child care staff shall have a minimum of a high school education or shall have passed an equivalency test. Any person who is serving as a teacher or as a child care staff member on the effective date of 470 IAC 3-4.1 is exempt from the specific educational requirements for this position provided that his/her position continues as a teacher or a child care staff person.

(Division of Family and Children; 470 IAC 3-4.1-8; filed Oct 18, 1985, 8:41 am: 9 IR 486; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-4.1-9 Staffing

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 9. (a) Personnel Required. The day nursery shall provide substitute staff to replace employees on sick leave, vacation or absent for other reasons. A responsible adult age 18 or over shall always be readily available to substitute for a regularly assigned staff member in charge of a unit of children. Such person shall be on duty when the regularly assigned staff member is away from the group, for no matter how short a period of time, whether indoors or out.

In a small day nursery one staff member may carry multiple responsibilities. The director and teacher may be the same person provided that such person meets the qualifications for director. When the group of children enrolled is small enough to require the employment of only two persons to operate the nursery, provision shall be made for the person supervising the children to be able to call the second staff member to assist in emergencies without the necessity of leaving the children unattended. All child care staff shall work under the direct supervision of a teacher or the director.

Volunteers excluding parents, shall meet all the requirements and qualifications of the positions to which they are assigned when they are counted in the child-staff ratios.

DIVISION OF FAMILY AND CHILDREN

All volunteers, regardless of whether or not they are counted in the child-staff ratios, shall meet the health requirements of 470 IAC 3-4.1-8(a).

(b) Child-Staff Ratios.

(1) Persons Counted in the Child-Staff Ratio.

(A) Staff. Only persons who are responsible for and directly engaged in supervising and implementing activities for children shall be counted in determining the child-staff ratios. Persons in the day nursery with multiple roles (teacher and cook, teacher and receptionist, etc.) shall be counted only when directly engaged with the children. Assignments of maintenance and housekeeping duties shall not interfere with the direct care of children.

Persons under age 18 shall not be included in determining the number of staff required for supervision of children.

(B) Children. Children of the director and staff members, who attend the day nursery, or are on the nursery premises for supervision and care, shall be counted in the number of children in the appropriate age groups.

Any children who are in attendance for only a part of a day are counted only while in the day nursery for determining staff requirements.

(2) Child-Staff Ratio/Class Size. The child-staff ratios must be posted in a conspicuous place in the day nursery.

(A) Chart. Child-staff ratios shall be maintained during all hours of operation.

Age of Youngest Child in Group	Maximum # of Children to be Supervised by One Staff Person	Maximum # of Children in One Class*
2 years	5	15
3 years	10	
4 years	12	
5 years	15	
6 years & older	20	

*The maximum number of children per class is also determined by available space. Please refer to 470 IAC 3-4.1-14(a)(1), Indoor Play Area.

(B) Combined Age Groups. Where there is a combination of ages within a group, the number of required staff shall be determined on the basis of the age of the youngest child.

For special joint activities, or programs of limited duration (including field trips), there may be a combination of age groups, provided the child-staff ratio is maintained.

Children may also be regrouped for short periods after the day nursery opens and prior to closing, provided that staff are present to ensure safe supervision of the children.

(C) Combining Two and Three Year Olds. A day nursery whose entire attendance of two years [sic.] olds is fewer than five may combine these children with three year olds. However, the maximum class size is 15 and the child-staff ratio is five children to one staff person.

Regardless of the number of two year olds enrolled, children between the ages of 31 months and 36 months, and who are toilet trained, may be grouped with three year olds at the option of the day nursery. If this is done, a child-staff ratio of seven children to one staff person is required, and the maximum class size is 14. These children shall be cared for in an area which is separate from other children. Diapers shall not be changed on the floor.

A separate class area and a diaper changing table shall be provided for each group of up to 15 two year olds. Centers newly licensed for two year olds shall provide a toilet, handwashing lavatory, and changing table in each two year old class area. The toilet must be in a bathroom which opens directly into the two year old area. The bathroom shall be provided with a closeable door and adequate ventilation. Diapering shall meet the requirements of 470 IAC 3-4.2-6(b)(3), Diapering and Care of Diapers.

Separate play facilities shall also be provided for two year old children, and their play materials and equipment shall be appropriate to their age, size, and stage of development.

(D) Separate Class Areas/Play Facilities. Separate class areas shall be provided for school age children. Outdoor play areas shall not be used by both preschool and school age children at the same time unless separate play areas are provided. Day nurseries which enroll ten or more school age children shall have at least one staff member who is qualified by training and/or experience to work with this age group. Whenever a room can accommodate more children

than the age-appropriate class size, separate and easily definable areas shall be provided for each class.
(Division of Family and Children; 470 IAC 3-4.1-9; filed Oct 18, 1985, 8:41 am; 9 IR 487; readopted filed Jul 12, 2001, 1:40 p.m.; 24 IR 4235)

470 IAC 3-4.1-10 Program and activities

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 10. (a) Program Operation. (1) Written Program. The day nursery shall carry out a planned, written program designed to take into account the physical, social, emotional, and intellectual developmental needs of the children.

This written program plan shall be posted in a conspicuous place in each child care room.

The program shall be designed to have a balance between stimulation and relaxation; between active play, quiet play, and rest; and between individual activity, small group activity, and larger group activity.

The program shall include outdoor play each day, except when the severity of the weather poses a safety and/or health hazard, or when there is a health related reason documented by a parent or physician for a child to remain indoors.

(A) Preschool. The director or teacher in charge of the preschool program shall develop a plan of small group (five to 10 children) activities. Each child shall participate daily in at least one small group activity, directed by child care personnel, that is appropriate to the child's age and that stimulates the social, physical, emotional and intellectual development of the child. Each plan shall be dated for the period of implementation.

(B) Children with Special Needs. Day nurseries providing care for mentally or physically handicapped or emotionally disturbed children, shall avail themselves of appropriate professional consultation in order to meet the individual needs of each child, and shall provide additional staff and equipment as recommended for each such child.

(2) Physical Care. All children shall be under the direct supervision of a responsible staff member at all times.

(A) Rest and Nap Periods. Supervised rest or quiet periods shall be provided before the noon meal, and at other times as needed.

A supervised nap period shall be provided preschool children after the noon meal.

(B) Cots. A firm, portable, narrow, easily sanitized cot, whose sleeping surface is off the floor, shall be provided for each preschool child. All cots shall be sanitized daily after each use. Weekly sanitation of a cot is acceptable only if the cot is used by the same child each day.

Clean, individually marked covering sufficient to maintain comfort and warmth shall be provided. Adequate individual storage shall be provided for coverings.

Cots shall be spaced at least two feet apart on all sides except where they touch the wall. Aisles between cots are to be kept clear of all obstructions while cots are occupied. Cots shall not block exits.

Children shall lie in such a way that direct face to face positions are avoided.

When they are not in use, and the room provided for rest is used for play, the cots shall be stored in a clean, dry place.

(3) Discipline and Guidance. The director shall not use, nor permit any person to use, corporal or other cruel, harsh or unusual punishment, or any humiliating or frightening method to control the actions of any child or group of children. No child of any age shall ever be shaken, hit, or spanked.

Brief, supervised separation from the group may be used if necessary. No child shall be placed in a locked room.

Children shall not be humiliated or subjected to abusive or profane language. Punishment shall not be associated with food, rest or toilet training. Bedwetters shall not be shamed or punished.

The day nursery shall have a written discipline policy, and shall inform parents and staff of such policy.

(b) Activities. (1) Field Trips. A field trip is an event or activity sponsored by the day nursery, supervised by day nursery staff, which occurs during the nursery's regular hours of operation, is conducted away from the nursery's property, and involves participation by the children enrolled. During such trips, all day nursery regulations are in effect, including child-staff ratios. Children shall be accounted for before, during and after the field trips to ensure their safety. Written parental permission shall be required for each child participating in field trips.

(2) Transportation. The nursery shall encourage parents to transport their children to and from the nursery.

If a nursery provides transportation, it shall assume responsibility for a child between the place where he is picked up and the nursery, and from the time he leaves the nursery until he is delivered to his parent or to the responsible person as designated by his parents. No child shall be permitted to remain in any vehicle unattended.

Any vehicle operated by a nursery shall be licensed in accordance with the laws of the state of Indiana, and the operator thereof shall not be less than 21 years of age and must hold a proper license to drive such vehicle.

All nurseries which provide transportation shall carry liability insurance to cover any and all children riding in the vehicle.

Vehicles operated by a nursery for the transportation of children shall be maintained in safe operating condition and be clean and free of obstructions on the floors and seats of the vehicle.

Children shall not be loaded or unloaded except from the curb side of the vehicle and at the curb.

Only that number of children and adults for whom there is comfortable seating space shall be transported in one vehicle. No child shall be permitted to stand in the vehicle when being transported. No more than three persons including the driver shall be permitted to occupy the front seat of the vehicle.

Vehicles used for the transportation of children of three to five years of age shall comply with IC 9-8-13 [IC 9-8-13 repealed by P.L.2-1991, SECTION 109.]. Child passenger restraints are mandatory for children under the age of three.

Vehicles shall also be provided with safety door locks and the doors kept locked at all times while the vehicle is moving. The doors shall be opened and closed only by the operator of the vehicle or by another adult occupant.

(3) Learning/Play Materials and Equipment. Equipment, materials, and furnishings shall be provided for both indoor and outdoor play, in sufficient quantity for the number of children enrolled and in sufficient variety to meet the developmental needs of the children according to their age and size.

Equipment, materials and furnishings, whether for indoor or outdoor use, shall be of sturdy, safe construction, easy to clean, and free from hazards to the life or health of the children.

Each day nursery shall have safe, non-toxic play materials and equipment from each of these categories:

- (A) art supplies;
- (B) blocks and accessories;
- (C) books;
- (D) fine motor or manipulative toys;
- (E) gross motor or large muscle equipment;
- (F) housekeeping equipment;
- (G) musical instruments and equipment; and
- (H) science materials or pets.

(c) Parental Visits. Visits by parents to the nursery while it is in operation shall be permitted. (*Division of Family and Children; 470 IAC 3-4.1-10; filed Oct 18, 1985, 8:41 am: 9 IR 488; errata, 9 IR 1667; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.1-11 Health program

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 11. Prior to initial licensure a written, dated health program shall be submitted for review and approval to the SBH on forms provided for that purpose.

Specific arrangements shall be made for a physician to provide consultation and guidance, and maintain an adequate health program for the children in the day nursery. (See 470 IAC 3-4.1-2 for definition of "Physician.")

The written health program shall be reviewed by the day nursery and the consulting physician, and shall be submitted to the SBH for review and approval every two years.

A revised health program shall be submitted to the SBH for review and approval each time the health program undergoes a major change by the day nursery, the day nursery changes ownership, or the day nursery requests a change in licensure to include the care of children beneath the age of two years. The health program must have current SBH approval prior to licensure.

The day nursery shall establish an agreement with the nearest hospital for the emergency admission of a child who becomes ill or injured and needs emergency care.

(a) Control of Communicable Diseases. The day nursery shall make every effort to control the spread of communicable diseases and shall establish health policies and precautions directed to this end.

Staff members and other persons with an illness in a communicable state shall not be permitted to have contact with the children in the day nursery nor be permitted to work in a capacity where illness could be transmitted to the children.

Whenever exposure to disease has occurred in the nursery, the nursery's physician or the local health officer shall be consulted

and his instructions followed with respect to control measures. Such measures shall include the disinfection of toilet facilities, furnishings, toys or other articles that may have been used by a child diagnosed as having a communicable disease, and the effective disinfection and disposal of bodily discharges containing infectious material.

No facilities or articles that have been used by a child suspected of having a communicable disease shall be used by any other person until they have been disinfected or until it has been established that the child did not have a communicable disease.

When a child is suspected of having a communicable disease, the director shall notify the day nursery's physician, the local health officer, and the parents.

When children in the day nursery are known to have been exposed to a communicable disease, prompt notice shall be given to the parents and to all staff members who also may have been exposed.

When a child is known to have been exposed to a communicable disease, he shall be excluded from attendance at the day nursery for such time as is prescribed by the day nursery's physician or the local health officer.

When a child returns to the day nursery following an absence, the nursery shall, before readmission, ascertain that the child does not have a condition which would contraindicate his participation in nursery activities.

Persons who return to perform services for the day nursery following illness shall not perform in a capacity which may transmit disease or be detrimental to the health of the children or other persons in the day nursery.

Pets kept by the day nursery shall be free from disease. Animals subject to rabies shall be so immunized. Animals shall be housed in a manner which prevents injury to either the children or the animal. Turtles shall be prohibited at the day nursery.

(b) Isolation Quarters. Day nurseries shall provide and use a room to separate from the group any child having or suspected of having a communicable disease or any illness. This room shall not be used for any other purpose by the children while being used as isolation quarters and shall be closed off from other rooms. Toilet and lavatory facilities shall be located within or near the room.

The isolation room shall be well ventilated, heated and have at least one cot. The cot and other furnishings shall be easily sanitized.

The isolation room must contain at least one cot. Two cots must be provided for 150 enrolled children and three cots for 225 enrolled children. Three feet of space shall be maintained between cots.

(c) Illness and Injury. (1) Written First Aid Policies. The day nursery shall establish written policies regarding first aid for the care of illness or injuries, including directions for the care of poisoning, seizures, hemorrhaging, artificial respiration and choking.

Such policies shall be dated, signed as approved by the consulting physician and posted in each room occupied by children. The policies shall be reviewed biannually and revised as recommended by the consulting physician.

First aid policies shall include but not be limited to the following provisions:

(A) All staff members shall have current training in first aid.

(B) There shall be immediately available:

(i) a telephone and the telephone numbers of the day nursery's consulting physician, and of the closest emergency facility which has agreed to accept cases from the day nursery;

(ii) the telephone numbers for ambulance services, the local fire department, and the poison control center;

(iii) the Red Cross First Aid Manual or its equivalent;

(iv) first aid supplies, as specified by the day nursery's consulting physician;

(v) the name and telephone number of a dentist for emergency referral.

(C) Children, upon arrival, shall be observed for signs of illness.

(D) Children who are ill upon arrival shall not be admitted. If a child who becomes ill during the day cannot be suitably cared for by the nursery, the parents or guardian shall be notified to arrange for suitable care for the child. Children who are ill or injured shall be kept under observation by a staff member.

(2) General Safety. First aid supplies shall be kept in a place inaccessible to children, but easily accessible to adults. Poisons and medications or other harmful chemicals shall be kept under lock, away from children. Hazardous articles, materials, and equipment such as cleaning fluids, polishes, bleaches, detergents, matches, and tools shall be stored in a place inaccessible to children.

Equipment, materials and furnishings whether for indoor or outdoor use, of the day nursery, shall be sturdy, kept clean and in good, safe condition, free of sharp points or jagged edges, splinters, protruding nails or wires, loose parts, rusty parts, materials containing poisonous substances, or paint which contains lead or other poisonous materials.

(d) Medication. The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures, shall be done only on written order or prescription from a physician to the parents, or day

nursery with the knowledge of the parents.

Medications prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, date filled, physician's name, directions for use, and the child's name. When no longer needed, medication shall be returned to the parents or destroyed.

It shall be accurately entered in the child's health record when medication is given and by whom administered. No person except a duly authorized and responsible member of the staff shall administer medications.

Each day nursery shall assure that all medication is kept in a locked cabinet, box or drawer, and stored in a safe place, not accessible to children.

Medication not requiring refrigeration shall not be kept in the kitchen.

Medication requiring refrigeration shall be stored in a lidded plastic container clearly labeled "medication".

(e) Personal Hygiene. The day nursery schedule shall include provision for supervised personal hygiene, washing hands and face before meals, and washing hands after using toilet facilities.

Each child shall be provided with disposable towels, dispensed in a sanitary manner. Toilet tissue, dispensed in a sanitary manner, shall be available at every toilet. Soap shall be conveniently available to every handwashing lavatory.

Wet or soiled clothing shall be changed promptly. Each child shall have a supply of clean clothing available for this purpose.

If toothbrushes and toothpaste are used, they shall be stored and dispensed of in a sanitary manner. (*Division of Family and Children; 470 IAC 3-4.1-11; filed Oct 18, 1985, 8:41 am; 9 IR 490; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.1-12 Health requirements

Authority: IC 12-17.2-2-5

Affected: IC 12-17.2

Sec. 12. (a) Each child shall receive a health examination by a physician within three (3) months prior to admission to the child care center, but no later than one (1) month after admission. The child shall be excluded from the child care center if this requirement is not met.

(b) The health examination of the child shall include the following:

(1) History.

(2) Physical examination.

(3) An intradermal tuberculin skin test, unless written documentation of a prior negative intradermal tuberculin skin test result can be provided.

(4) A written statement from the physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child care center as a result of participation in the center's program of activities.

(5) A written statement from the physician regarding modification of the plan of care for the child who may require special attention because of the child's medical conditions.

(6) Immunizations as required in subsection (c).

(c) All children enrolled in a child care center, except as provided in subsection (f) or (g), shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, measles, mumps, haemophilus influenzae b, and rubella.

(d) For those diseases listed in subsection (c), the adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee. Guidelines for the interpretation of recommendations shall be issued by the Indiana state department of health.

(e) Adequate documentation of an immunization history shall consist of any of the following:

(1) A physician's certificate, including the number and dates of doses administered.

(2) Immunization records forwarded from a school corporation or child care center, including the number and dates of doses administered.

(3) A record maintained by the parent showing the month and year during which each dose of vaccine was administered.

Annual reports shall be made to the Indiana state department of health by the child care center. They shall be submitted on forms prescribed and provided by the Indiana state department of health for that purpose.

(f) If any physician certifies that a particular immunization required in subsection (c) is or may be detrimental to the child's health, the requirements for that particular immunization are not applicable for that child until a physician determines that the immunization is no longer detrimental to the child's health.

(g) If the local health department or a physician determines that the child's immunization schedule has been delayed due to extreme circumstances, the parent of the child shall furnish this written statement and a time schedule, approved by a physician or the local health department, for the completion of the remainder of the immunizations. The child may not attend the child care center until this written statement is on file with the child care center.

(h) Health examinations of children, as required under subsection (a), excluding tuberculin testing, shall be repeated annually under the following circumstances:

(1) Any child two (2) years of age or younger.

(2) Whenever there is reason to suspect that a child attending the child care center may have a condition hazardous or potentially hazardous to others.

(3) The division finds that the child's general condition indicates the need for such examination.

(i) If a child frequently requires separation from the group and special observation for fatigue, illness, or emotional upset, the child care center personnel shall make available to the parents a complete report of their observations and ask the parents to take the child to a physician for a health evaluation. (*Division of Family and Children; 470 IAC 3-4.1-12; filed Oct 18, 1985, 8:41 a.m.: 9 IR 492; filed Sep 13, 1993, 10:00 a.m.: 17 IR 197; errata filed Nov 29, 1993, 5:00 p.m.: 17 IR 783; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.1-13 Nutrition and food service

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 13. (a) Written Plan. Prior to initial licensure and as often thereafter as requested, a written plan for nutrition/food service and three weeks of menus shall be submitted to the SBH on forms provided for this purpose. The plan will be subject to review and approval by the SBH prior to the issuance of a license.

A written revised plan for nutrition/food service and three consecutive weeks of menus shall be submitted to the SBH for such review and approval every two years, each time the food service plan undergoes a major change, the day nursery changes ownership, or the nursery is requesting a change in licensure to include the care of children beneath the age of two years. This also applies to the changing of vendors, changing from vending to onsite food preparation and vice versa.

The nutrition/food service program must have current SBH approval prior to the issuance of a license.

Menus for meals and snacks shall be planned one week in advance of serving, corrected as served and kept on file for review one year.

Daily menus and serving times for all snacks and meals shall be plainly posted for parent review and in the kitchen one week prior to serving. A notation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary shall be included as based on the written order of the child's doctor.

(b) Nutrition. Nutrition education shall be provided to the children. Training in basic nutrition and sanitation, and guidance in planning nutrition education shall be provided to the staff.

(c) Daily Food Requirements. All day nurseries shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Dietary Allowances (NRC-RDA) according to each child's age, the length of the child's daily nursery attendance, and meals served at home. A listing of daily requirements is available from the SBH.

(d) General Food Requirements. Reconstituted dry milk for drinking or skim milk shall not be served to children.

All fruit juices shall be 100% pure fruit juice. Aides and drinks, powders and bases shall not be used. All non-citrus juices shall be fortified with vitamin C.

Drinking water shall be freely available to children.

Special or therapeutic diets shall be approved in writing by a physician.

Additional portions of food shall be available to children.

(e) Meal Times. Children shall be served meals and snacks according to their hours of attendance.

Breakfast shall be offered to children who are in attendance before 8:00 a.m.

Children in attendance from:

(1) 5 a.m.—9 a.m. shall be offered breakfast and served an a.m. snack;

(2) 8 a.m.—12 noon shall be served a.m. snack and lunch;

(3) 11 a.m.—3 p.m. shall be served lunch and p.m. snack;

(4) 2 p.m.–8 p.m. shall be served p.m. snack, dinner, and a bedtime snack.

A period of not less than two hours and not more than three hours shall separate meals and snacks. This does not apply between the hours of 9:00 p.m. and 4:00 a.m.

(f) Food Service. All aspects of food service shall meet the requirements of 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.], Food Service Sanitation Requirements, which is available from the SBH.

Food shall be served promptly, in an unhurried atmosphere and shall not be used for reward or punishment.

Adults shall assist and supervise the children during all meals and snacks in age relative groups, small enough in number to assure assistance and safety.

Eating utensils, dishes and glasses, chairs and tables shall be suitable for the age, size and developmental level of the children.

(g) Feeding of Two Year Old Children. Divided dishes that are heavy enough not to tip or slide easily shall be used.

Weighted cups which are not easily overturned should be furnished, but soft plastic glasses in a small size (six ounce) are acceptable.

Standard teaspoons or heavy plastic spoons shall be provided.

The children shall be fed in their own area, separate from the older children.

(h) Food Preparation and Storage. The kitchen, all other food preparation areas and all food service areas shall be operated in compliance with the requirements of 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.], a copy of which shall be in the kitchen at all times for reference.

All food shall be prepared, maintained and stored properly to assure its flavor, appearance, and nutritive value.

(1) Preparation. Each day nursery shall maintain an up-to-date file of standardized recipes, adjusted for quantity to provide for the number of children and staff to be fed. The standardized recipes shall be kept in a usable form in the food preparation area for use by the cook.

All food items must be from approved sources only. Food items prepared in a home kitchen shall not be used. Food items must be received at the center in the original, unopened, undamaged packaging. During transport, all food items must be properly protected from damage and potential contamination. Any food preparation or handling, except for necessary transportation, must be in the kitchen only.

Food shall be maintained at appropriate temperatures until served: hot food—140° F. or above; cold food—45° F. or below; frozen food—0° F. or below.

Children may not assist in the preparation of any food(s) that are to be consumed by another person.

(2) Storage. Perishable foods shall be stored at proper temperatures to protect against spoilage.

Wet storage is prohibited.

Prepared dishes, while refrigerated, must be properly covered.

Any leftover or extra food(s), once served or placed in serving dishes, must be disposed of.

Dry goods and canned goods must be stored on proper elevated shelving, away from any cleaning compounds, toxic, or hazardous materials.

(3) Vendor Service. Each day nursery which uses a food service vendor shall continue to be responsible for its food service program including the quality and quantity of food which is served to each child under care, the submission to the SBH of the written plan for food service, and for meeting the requirements relating to nutrition, meals and snacks, and menus.

Each nursery using vendor service shall have a written contract with the vendor which describes the responsibilities of the vendor and incorporates the assurances that the vendor's food service business, food handlers, and all premises used therein have been inspected and approved by local health authorities or by the SBH for the purpose of providing food for day nurseries. Such contract shall be reviewed and updated at least every two years, and shall be on file in the nursery for inspection by SBH personnel upon request.

Menus prepared one week in advance and posted in the day nursery for meals and snacks shall be followed by the vendor in supplying food service.

Food items must be transported in insulated containers that meet National Sanitation Foundation (NSF) standards, so that:

(A) hot foods remain above 140° F.;

(B) cold foods remain below 45° F.; and

(C) frozen foods are 0° F. or below.

Upon receiving the food from the vendor, the day nursery shall verify the proper temperature of the food with a metal stem-type, numerically scaled, indicating thermometer and maintain these temperatures until serving time.

(i) Hygiene. Employees who handle and serve food shall thoroughly wash their hands with soap and water and use disposable towels from a dispenser or rack for drying. Handwashing shall be done before starting work, washed as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

Kitchen personnel must wear clean, washable garments (aprons or smocks) and effective hair restraints.

Smoking in the kitchen is not permitted.

(j) The Kitchen. (1) General Requirements. The kitchen and any other food preparation area shall be separate from areas used for any other purpose and shall be so located that it is not used as a through way to other rooms or areas.

The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

The kitchen must be completely enclosable (doors for doorways and closures for serving windows), and must have adequate lighting and ventilation.

Walls and ceilings must be smooth and easily cleanable.

Counter surfaces must be smooth and free from breaks, seams, or chips.

Floors shall be of smooth, nonabsorbent materials free of cracks and seams which would prevent proper cleaning. Carpeting is prohibited.

The FPBSC may require a separation of the kitchen area by one hour fire resistive construction and/or the installation of an automatic fire extinguishing hood system, or both, depending upon the size of the kitchen and type of equipment installed.

(2) Equipment. All equipment must be easily movable, elevated, or sealed to floor and wall, so that proper cleaning under and around equipment will be possible.

(A) Dishwashing. Wherever washing and sanitizing are conducted mechanically, spray-type dishwashing machines shall be provided which meet the specifications of 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.].

A three-compartment sink with drainboards shall be provided and used whenever washing and sanitizing are conducted manually. Multi-use utensils and equipment shall be thoroughly washed in a detergent solution in the first compartment of the sink, and then shall be rinsed free of such solutions in the second compartment of the sink. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils are sanitized in the third compartment by one of the following two methods:

(i) immersion for at least one-half minute in clean, hot water maintained at a temperature of at least 170° F.; or

(ii) immersion for at least one minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

Instructions for proper manual dishwashing shall be posted in the kitchen, if washing and sanitizing are conducted manually. Dishes and utensils shall always be air dried, never towel dried.

An alternative to dishwashing is the use of sturdy, all disposable utensils and dishes. However, if any nondisposable cooking or serving utensils or dishes are used, approved dishwashing facilities shall be provided and used.

(B) Storage Facilities. Closed cabinets are required for storage of dishes, pots, pans, and utensils, to protect them from contamination.

If disposable utensils and supplies are used, they shall be stored in closed containers away from any cleaning compounds, toxic or hazardous materials.

(C) Refrigerators and Freezers. Refrigerators and freezers shall be in good condition, easily cleanable, and shall maintain the proper temperatures of:

(i) 45° F. or below for refrigerators; and

(ii) 0° F. or below for freezers.

Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

(D) Ranges. Ranges shall be in good condition, easily cleanable, and in proper and safe operating condition.

They shall be provided with a hood, vented directly to the outside, if cooking procedures warrant (e.g., deep fat frying). (Also see subsection (j)(1), The Kitchen, General Requirements.)

(E) Handwashing Lavatory. A handwashing lavatory shall be properly installed in the kitchen, supplied with soap and disposable towels from a dispenser.

Hot and cold running water shall be provided. The temperature of the hot water shall be regulated by the use of an approved automatic hot water control valve, so that it will not exceed 120° F.

(3) Cleaning Procedures. Work and cleaning schedules shall be written, posted and followed for all the food storage,

preparation and service areas.

All food preparation surfaces and eating surfaces shall be properly sanitized before and after use.

(A) Waste Disposal. All garbage and trash shall be kept in tight-seamed, easily cleanable receptacles which are covered with close-fitting lids pending removal, and shall be removed from the kitchen on a daily basis. Containers must be cleaned and disinfected as necessary.

(B) Insect and Rodent Control. Adequate measures shall be taken to prevent entry of insects and/or rodents (16 mesh screen on outside openings; sealing cracks; sealing around pipes, plumbing and ducts).

Proper cleaning shall be provided to minimize attraction to food sources.

If a problem does arise, an exterminator shall be contacted for assistance.

(Division of Family and Children; 470 IAC 3-4.1-13; filed Oct 18, 1985, 8:41 am: 9 IR 493; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-4.1-14 Building, grounds and equipment

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 14. (a) Space. (1) Indoor Play Area. At least 35 square feet of usable indoor play space shall be provided for each child for whom the day nursery is licensed. Such space is exclusive of kitchen, toilet rooms, isolation quarters, office, staff rooms, hallways and stairways, storage areas, lockers, laundry, furnace room, and floor space occupied by permanent built-in cabinets.

Separate play rooms or separated areas in play rooms shall be provided for the various types of activities required by the day nursery program and for the separation of children according to age and class size.

Tables and chairs shall be provided appropriate to the height, size and age of the children.

Convenient storage space for indoor equipment and materials, including low open shelves for materials in daily use, shall be provided.

Each child shall have a storage area available for his own personal belongings.

Clothes hanging space shall be allotted and provided with hooks placed low enough to permit each child to hang up his own clothes. The hooks shall be spaced far enough apart so that one child's clothing does not touch that of another child.

(2) Outdoor Play Area. The day nursery shall provide an outdoor play area which is directly accessible from indoor facilities, and which contains at least 50 square feet for each child outdoors at any one time.

When direct access is not possible, the day nursery shall obtain the approval of the SDPW.

The play area shall be safely enclosed or protected, and designed so that all parts are visible and easily supervised. It shall be well drained and free from hazards which might be dangerous to the life or health of the children.

(3) Swimming and Wading Pools. When a swimming or wading pool is located on the premises of the day nursery, it shall be constructed in accordance with 675 IAC 9 [675 IAC 9 was repealed, filed Jan 8, 1986, 12:04 pm: 9 IR 1028. See 675 IAC 20.], and maintained in accordance with SBH regulations.

A wading pool is any constructed or prefabricated pool used for wading which is 24 inches or less in depth.

A swimming pool is any constructed or prefabricated pool used for swimming which is 25 inches or more in depth.

The day nursery shall obtain and keep on file written parental permission prior to the participation of a child in a swimming activity.

A person having a valid Red Cross advanced life saving certificate shall be on duty at all times when an on site swimming pool is in use, and may be counted in the child-staff ratio. In addition, while the children are in the pool the staff-ratio shall be twice the number required in 470 IAC 3-4.1-9, Staffing. A minimum of two floatation [*sic.*] devices shall be provided for each swimming pool.

Swimming and wading pool areas shall be fenced. The gate shall be locked when the pool is not in use.

(b) Design and Construction. The day nursery shall be designed for the protection and well-being of children and staff, structurally sound and in good repair. The premises shall be maintained in a clean, neat and sanitary condition. However, rooms shall not be swept or dusted while occupied by children except for cleanup after food service or art projects.

The interior finish of the day nursery shall comply with the rules of FPBSC. Walls and ceilings shall be of washable materials in light colors.

Floors and steps shall be smooth and of washable, nonslippery materials. Small rugs shall not be used as floor coverings because of danger of slipping and falling. If carpet is used it must be firmly secured and kept clean.

No furnishings, decorations, or other objects shall be so placed as to obstruct exits, access thereto, egress therefrom, or visibility thereof.

The FPBSC may require a fire separation of occupancies and atmospheres contingent upon the degree of hazard.

(1) Toilet Facilities. The day nurseries shall provide inside toilet rooms equipped with flush toilets and securely fastened, sealed to the wall, supported wash basins with hot and cold running water. Toilet rooms shall be located on the same floor as inside play areas and in close proximity to inside and outdoor play areas.

The nursery shall provide a minimum of one wash basin and one flush toilet for each 15 children for which the nursery is licensed. The same toilet facilities shall not be used by school age children of opposite sex, and toilets for school age children shall be separated by partitions.

If child-size toilets and wash basins are not available, steps or platforms shall be provided for small children to encourage self help and independence.

Toilet facilities shall be furnished for the staff and other adults separate and apart from those furnished for the children.

All handwashing facilities shall be provided with hot and cold running water. Automatic hot water control valves that will not permit the hot water temperature at the point of use to exceed 120° F. shall be used. The temperature of the water for handwashing shall be at least 100° F. and shall not exceed 120° F.

All restrooms shall be adequately ventilated.

(2) Kitchen. Refer to 470 IAC 3-4.1-13(j) for specific requirements.

(3) Isolation Quarters. Refer to 470 IAC 3-4.1-11(b) for specific requirements.

(4) Office and Staff Rooms. Office space separated from the areas used by the children shall be provided for interviewing *[sic.]*, conferences, making and keeping records, and the handling of business. Space and equipment shall be adequate for the administrative and staff needs of the day nursery. Telephone service shall be provided.

A room separated from the areas used by the children shall be provided for the use of the staff during rest periods.

(5) Furnace Room. The furnace room or room containing any central heating equipment shall be constructed in accordance with the rules of the FPBSC (675 IAC).

(6) Heat, Light, Ventilation and Air Conditioning. Heating, ventilation and air conditioning systems shall meet the requirements of the Indiana Construction Rules (675 IAC 2 *[675 IAC 2 was repealed, filed Nov 13, 1985, 3:15 pm: 9 IR 751. See 675 IAC 13-2.3.]*) and Indiana Mechanical Rules (675 IAC 7 *[675 IAC 7 was repealed, filed Feb 26, 1986, 4:35 pm: 9 IR 1609. See 675 IAC 18.]*) as required by the FPBSC.

All buildings shall have openings consisting of windows and/or doors in accordance with the rules of the FPBSC (675 IAC). When natural light is insufficient, it shall be supplemented by artificial light, properly diffused and distributed, so that the following average levels of illumination are maintained:

(A) desks, chalkboards, table-top work areas, reading areas, art rooms: minimum average of 50 footcandles;

(B) gymnasiums, large muscle equipment areas, bathrooms, locker rooms: minimum average of 30 footcandles;

(C) hallways, corridors, stairwells, storage rooms: minimum average of 20 footcandles;

(D) all food service areas: minimum requirements of 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]*

All light intensity measurements shall be at the level of work; or in rooms or hallways where no work is done, at a height of 30 inches above the floor.

Adjustable, room-darkening shades or curtains shall be provided and used for protection from glare and to promote an atmosphere conducive to sleep at nap time.

All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by securely fastened 16-mesh screening, as the season requires.

Areas used by the children shall be heated when the temperature falls below 68° F., so that a temperature of 68° F. to 72° F. may be maintained within two feet of the floor.

(7) Water Supply, Plumbing and Sewage Disposal. (A) Water Supply. An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

Connection to a public water supply is required when available within a reasonable distance.

If a private well is used, water must be potable, of adequate quantity, and the well must meet the construction standards of the SBH.

SBH approval is necessary for the construction of a new water well or major alterations to an existing well.

(B) Drinking Fountains. Drinking fountains shall be of the sanitary type with guarded angular stream drinking fountain heads

and shall be so constructed and located as to be accessible for use by the children at all times. If drinking fountains are not available, individual single service cups shall be provided in a sanitary dispenser, and used only once. Drinking fountains shall not be located in restrooms, and drinking water shall not be provided from restrooms.

Children shall not go into the kitchen to obtain drinking water.

(C) Plumbing and Sewage Disposal. All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, or soil conditions prohibit the construction of an adequate on site system. Any sewage treatment system shall meet the requirements of the SBH.

New plumbing equipment shall meet the requirements of the FPBSC and SBH.

If a gas water heater is used, it shall be vented directly to the outside.

(c) Conformity with State and Local Housing Requirements. Any area of a structure in which a day nursery is located shall meet the requirements of the SBH and FPBSC. The appropriate zoning requirements must be met.

Prior to construction of any new building, conversion of an existing building, major alteration or addition thereto involving structural changes, three sets of complete plans and specifications of such buildings certified by a professional registered architect or engineer, unless specifically exempted by the rules of the FPBSC (675 IAC), shall be submitted to the State Building Commissioner (SBC) for his approval and that of the SBH and SFM.

Detailed plans are required to be submitted on any new or renovated facility to the SBC, SFM and SBH. Specific information on filing such plans are contained in the Indiana Administrative Rules of the FPBSC (675 IAC 12-1).

(d) Location of the Day Nursery. No day nursery shall be located where any conditions exist that would be injurious to the physical or moral welfare of the children.

The nursery shall not be located in a rooming, or boarding home.

No day nursery shall be located in a family residence unless that portion of the residence to which children have access is completely separated from the living quarters of the family by at least one hour fire resistive construction, as required by the rules of the FPBSC (675 IAC).

No day nursery shall house, care for or maintain children on a floor other than grade level unless by variance from the FPBSC. (*Division of Family and Children; 470 IAC 3-4.1-14; filed Oct 18, 1985, 8:41 am: 9 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.1-15 Fire protection and safety

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 15. (a) Potential Hazards. (1) Equipment and Wiring. All gas equipment and appliances shall comply with the Indiana Mechanical Rules (675 IAC 7 [*675 IAC 7 was repealed, filed Feb 26, 1986, 4:35 pm: 9 IR 1609. See 675 IAC 18.*]) and shall be approved by the SFM and SBC.

Each nursery shall fully comply with the rules of the FPBSC (675 IAC) regarding the use of liquified petroleum gas, natural gas, fuel oil and other heating methods.

All wiring in the building shall comply with the provisions of the Indiana Electrical Code (675 IAC 6 [*675 IAC 6 was repealed, filed Apr 9, 1985, 2:42 pm: 8 IR 1012.*]) and shall be approved by the SFM and SBC.

Receptacles and outlets serviced by extension cord-type wiring are prohibited. Special protective receptacle devices shall be installed in all areas occupied by children. Fans shall be protected by approved safety devices.

The installation of all utility services shall comply with the rules of the FPBSC (675 IAC).

(2) Combustible Materials. The day nursery shall be kept free from fire hazards, and trash which contains combustible materials such as paper, rags, excelsior, etc. shall not be permitted to accumulate upon the premises. Dust and grease shall be kept from hoods above stoves and other equipment, and storage areas shall be kept clean.

All flammable liquids shall be in tightly sealed containers when not in use, and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed by the rules of the FPBSC (675 IAC). The room shall be inaccessible to children.

(3) Heaters. Open grate gas heaters, open fireplaces, portable electric heaters, or other portable heaters, shall not be used by the nursery.

(4) Halls, Stairways and Exits. All halls, stairways, corridors, aisles and exits in the building shall be kept lighted at all times and free from any obstructions.

All interior exit stairways shall be enclosed unless equivalent fire protection is provided as determined by the rules of the FPBSC (675 IAC).

Exits are not to pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with the rules of the FPBSC (675 IAC).

(5) Doors. Doors in means of egress shall swing in the direction of exit travel, discharge directly to the outside, and be equipped with panic hardware or equivalent, when required and in accordance with the rules of the FPBSC (675 IAC).

Exit doors from rooms having an occupant load of more than 100, and from corridors, shall not be provided with a latch or lock unless it is panic hardware.

Every interior room door or closet door shall be such that children can open the door from the inside.

Every bathroom door lock shall be designed to permit opening of a locked door from the outside in an emergency, and the opening device shall be readily accessible to staff.

(6) Poisons and Medications. Refer to 470 IAC 3-4.1-11(c)(2), General Safety.

(b) Safety Equipment. (1) Alarm System. An approved fire alarm system shall be installed in any day nursery as required by the rules of the FPBSC (675 IAC). An automatic sprinkler system may also be required by FPBSC rules (675 IAC).

If a day nursery's hours of operation differ from normal working hours of 6:00 a.m. to 8:00 p.m., the Department of Fire Prevention and Building Safety (DFPBS) shall be contacted for any additional rules that may be applicable.

(2) Emergency Lighting/Exit Lights. Access to exits shall be indicated by approved visible exit signs in all cases where the exit or the way to reach it is not immediately visible to occupants.

Emergency lighting shall be provided in all interior stairways and corridors.

(3) Fire Extinguishers. The type, location, and number of fire extinguishers shall be determined by the SFM in accordance with the rules of the FPBSC (675 IAC).

The extinguisher shall be plainly visible and easily accessible at all times.

The top of any extinguisher shall not be higher than five feet above the floor level.

(c) Evacuation Procedures. Plans shall be made for the protection of the children in the event of a natural disaster or enemy attack, in conformity with plans established for the locality by the Office of Civil Defense.

There shall be written posted procedures for disaster evacuations in case of fires and other emergencies which shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all child care areas.

(d) Fire Drills. Fire drills shall be conducted monthly and noted in the records or reports of the nursery for review upon request of the fire inspector. (*Division of Family and Children; 470 IAC 3-4.1-15; filed Oct 18, 1985, 8:41 am; 9 IR 498; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4.2. Infant/Toddler Care in Day Nurseries

470 IAC 3-4.2-1 Infant/toddler care defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. Infant/toddler care in a day nursery is defined to be the program of child care planned specifically to meet the needs of children from the age of six weeks to two years. Although provided in a group care environment, individual care for each child is planned especially for him according to his specific needs, providing for the care, protection and comfort of his body, for the growth of his mind, and for his social and emotional development. (*Division of Family and Children; 470 IAC 3-4.2-1; filed Oct 18, 1985, 8:41 am; 9 IR 499; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.2-2 Definitions

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. "Full-sized crib" means a crib which has an interior dimension greater than 52 3/8 inches (\pm 5/8 inches) in length, and 28 inches (\pm 5/8 inches) in width. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and/or end panel shall not be less than

26 inches.

“Infant” means a child from six weeks of age to the time he is beginning to walk.

“Portacrib” means a crib which has an interior dimension smaller than 49 3/4 inches (\pm 5/8 inches) in length but not less than 36 inches in length, and 25 3/8 inches (\pm 5/8 inches) in width but not less than 24 inches in width. With the mattress support in its lowest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and/or end panel shall not be less than 22 inches.

“Toddler” means a child from the time he is beginning to walk to age two years. (*Division of Family and Children; 470 IAC 3-4.2-2; filed Oct 18, 1985, 8:41 am: 9 IR 499; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.2-3 Applicability of rules

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. In order for a nursery to provide infant/toddler care it shall meet all of the requirements of SDPW day nursery regulations, 470 IAC 3-4.1, as well as 470 IAC 3-4.2. If there is any difference in requirements, the specific information contained in 470 IAC 3-4.2 shall prevail. (*Division of Family and Children; 470 IAC 3-4.2-3; filed Oct 18, 1985, 8:41 am: 9 IR 499; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.2-4 Licensure

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. A license issued to a nursery approved to provide infant/toddler care shall have entered on its face that the nursery is licensed to care for infants and toddlers, and shall show the maximum number of each age group for whom the nursery is permitted to provide care.

A nursery licensed to care for toddlers may continue caring for a particular toddler in his child care group for a reasonable length of time beyond his birthday if the child has a special need for uninterrupted care. (*Division of Family and Children; 470 IAC 3-4.2-4; filed Oct 18, 1985, 8:41 am: 9 IR 500; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.2-5 Personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. (a) Requirements for All Staff. All staff members who have direct contact with infants and toddlers shall have current training in first-aid procedures, particularly control of bleeding, treatment for shock, artificial respiration, poisoning, choking and seizures, prior to giving care.

(b) Specific Requirements. The staff person in charge of an infant/toddler group shall be at least 21 years of age, and shall:
 (1) have a minimum of a high school education (or shall have passed an equivalency test), and
 (2) have one year of experience providing child care services to a group of children. If this experience does not include working with infants and toddlers, then a two week orientation period working with the children under the constant supervision of a teacher experienced with this age group is required.

No person under age 21 shall at any time be alone with and responsible for the children.

(c) Child-Staff Ratios.

Age of child	Maximum No. of Children per Staff Member	Maximum No. of Children in One Room
Infant	4	8
Toddler	5	10

Whenever one adult caretaker is with a group of children, the facility shall make arrangements for that employee to summon

another adult to immediately assist without leaving the children unattended.

Each age group shall be kept separate. (*Division of Family and Children; 470 IAC 3-4.2-5; filed Oct 18, 1985, 8:41 am: 9 IR 500; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.2-6 Program and activities

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) Individual Program. At the time of admission, a written program of activities and physical care for each child shall be planned by the director or person in charge of the infant/toddler section and the parent. The child's plan of activities and care shall become a part of his record and a copy shall be given to staff as a guide in caring for the child. The plan shall be revised as often as necessary. A developmentally appropriate individual activity shall be planned and implemented daily for each child.

Each child shall be under the direct observation of a responsible staff member at all times.

(1) Daily Activities. Activities offered the child shall be based on his physical maturity, individual sensitivities and strengths, individual need for periods of rest and stimulation, individual need to interact with adults and children, and individual ability to cope with stress. An environment which over-stimulates and makes the child overly excited and tense shall be avoided. When awake, infants shall be out of their cribs and engaged in appropriate activity.

Both infants and toddlers shall be taken out of doors daily when the weather permits.

(2) Charts and Records. Each day nursery shall devise a daily needs chart to be posted in a conspicuous place in each infant and toddler room. This chart shall provide space to record or to check daily information about each child, such as medication which has been given, diarrhea, vomiting, continuous hunger, refusal of feeding, nose bleeds, injuries, skin rash, elevated temperature, or special health needs.

The person in charge of the infant/toddler section shall be responsible for implementation of the plans for keeping charts and records, and for use of such records to plan interviews with parents and to evaluate each child's progress and overall program goals.

Charts and records shall be kept by the day nursery for at least one month.

(3) Parent Interviews. Periodic interviews with parents shall be held to assure consistency of child care and mutual awareness of the child's progress, development, and problems.

Additionally, parents shall be informed of any important information regarding their child on the day of occurrence.

(b) Physical Care. Whenever possible, each child shall be cared for by the same staff member, especially for feeding, diapering, and during the periods when he is falling asleep and is awakening.

(1) Hygiene. Each child shall be given prompt hygienic care, including hand and face washing and body cleansing. Soft, clean, terry cloth washcloths shall be immediately accessible at all times, and a clean one shall be used for each washing of a child. Soiled washcloths shall be laundered in the same manner as bedding.

All child care personnel shall wash their hands before and after each child care duty including individual feedings, bathing, and diapering. There shall be facilities and supplies immediately available for this at all times. Outer garment coverings shall be changed when soiled.

(2) Sleeping and Care of Bedding.

(A) Sleeping Periods. Sleeping periods shall be scheduled according to the age and needs of individual children. When children are sleeping there shall be reasonable quiet and subdued light.

An adult caretaker shall be present in an infant or toddler room at all times, even if all the infants or toddlers are asleep.

(B) Care of Bedding. All bed clothing shall be changed immediately when wet or soiled, and otherwise once each day.

Bed clothing shall be laundered in water above 160° F. for at least 25 minutes before being used again.

Soiled bedding shall not be allowed to accumulate for longer than 24 hours before laundering.

A supply of bedding and washcloths shall be in reserve at all times to allow for delays in laundry pick-up and delivery or washing.

(3) Diapering and Care of Diapers.

(A) Diapering. A child shall be handled gently and spoken to lovingly while being changed.

If a child is changed in his crib, a clean pad shall be used to protect bedding or a fresh sheet shall be provided after each changing.

If a changing table is used, there shall be a soft, washable pad on the table with a clean strip of waterproof, disposable

paper to cover it. A fresh protective strip shall be placed on the pad after each diaper change. The pad and table shall be sanitized when they become soiled and at the end of each day.

Time of bowel movements shall be entered on the daily chart, as well as other significant observations such as signs of constipation or diarrhea.

The child's body shall be properly cleansed while diapering. The consulting physician shall approve skin care procedures used by the nursery, and care shall be taken to prevent contamination of common supplies.

There shall be a supply of diapers available at all times so that each child is kept clean and dry.

(B) Care of Diapers. (i) Disposable Diapers. Disposable diapers are preferred. They must be stored in an enclosed container or bag to assure cleanliness.

After use, fecal material shall be immediately emptied from them into a flush toilet. They shall be kept in a plastic bag in a tightly covered sanitary container that is inaccessible to children. The bags shall be tied tightly and removed from the nursery premises at the end of each day. If there is an approved incinerator available, bags shall be burned. If an incinerator is not available, the bags shall be disposed of daily in the same manner as unburnable trash.

Disposable diapers furnished by the parent shall be brought to the nursery in unopened packages, stored separately off the floor, and marked with the individual child's name.

(ii) Cloth Diapers. If cloth diapers are used, fecal material shall be immediately rinsed from them into a flush toilet.

Cloth diapers furnished by the nursery shall be laundered by a laundry service and shall be stored separately from other nursery linen. Between pick-ups they shall be kept in tightly covered sanitary containers.

Cloth diapers furnished by the parents shall be kept separate from diapers used for other children. After proper rinsing, the soiled diapers shall be placed in a plastic bag, stored through the day in a tightly closed container, and returned to the parent daily.

A deodorizing solution or granules should be used in diaper containers, and when emptied such containers shall be cleaned and disinfected.

(4) Toilet Learning for Toddlers. Planning how to help the child to use the toilet for bowel and bladder control shall be done with the child's parent(s). This learning shall never be forced, and shall be handled with consistency within the nursery, and so far as feasible, between the nursery and the home. The child's responses to such learning shall be discussed with the parent(s).

A child shall never be forced to remain on the toilet for a prolonged period of time. There shall never be punishment given for failure to conform or for wet or soiled clothing.

There shall be provided a supply of clothing to keep children dry, clean, and fully clothed during the training process. Separate containers shall be used for clean and soiled items.

(Division of Family and Children; 470 IAC 3-4.2-6; filed Oct 18, 1985, 8:41 am: 9 IR 500; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-4.2-7 Health requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 7. Parents shall be required to furnish the nursery with a written statement from a physician of immunizations, health examinations, formula and food requirements, and any other information provided by the child's physician which may have a bearing on the child's care in the nursery. This information shall become a part of the child's record.

An intradermal skin test shall be required for each child at one year of age.

The child shall be excluded if the health requirements are not met. *(Division of Family and Children; 470 IAC 3-4.2-7; filed Oct 18, 1985, 8:41 am: 9 IR 502; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-4.2-8 Food service

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 8. The nursery shall provide food that meets the dietary needs of each infant or toddler as based on the National Research Council-Recommended Daily Dietary Allowances (NRC-RDA). Food vendor service shall not be used for infant feeding.

(a) Daily Food Requirements. Infants or toddlers who are in the nursery for four hours or more shall be served a quantity of food which will supply at least one-third of the NRC-RDA. If present for at least six hours, they shall receive approximately one-half to two-thirds of the NRC-RDA. Children receiving care for periods longer than eight hours shall receive a larger proportion of the NRC-RDA.

(b) Individual Feeding Plan. Prior to admission, a feeding plan shall be established and written for each infant and toddler in consultation with his parents and based on the written recommendation of the child's pediatrician or family physician.

The feeding plan for each infant and toddler shall include and list:

- (1) the specific kind and amount of formula and/or food to be offered;
- (2) the scheduled hours that food/formula are to be offered, with the specific foods to be given at those times;
- (3) the dosage of vitamins and any other type of food supplement or medication. These shall be given only on the written order of a child's physician.

The feeding plan must be continually updated for the child's current age.

During bottle feedings, infants shall be held in the arms of an adult familiar to them in a quiet, relaxed environment. Baby bottles may not be propped nor shall any child be put to bed with a feeding bottle. Infant menus shall be planned one week in advance of serving and posted in the infant room and kitchen.

For toddlers, feeding plans will state when a training cup will be used and the appropriate times for the introduction of strained vegetables, fruits and meats, foods of a coarser consistency, and finger foods.

The suggested feeding plan for infants and toddlers as supplied by the SBH may be utilized unless exceptions are indicated by a physician.

Each feeding plan shall be updated every six months, or more often if necessary, and shall be kept in the child's health file. A copy shall be posted for use by food preparation personnel and the person responsible for feeding the child.

(c) Food Preparation and Storage. (1) Formula and Care of Bottles. Formula prepared at home shall not be used. Only unopened, commercially prepared formula that is commercially pre-mixed and ready-to-feed shall be used. This commercial formula may be furnished by the parent or the nursery, and shall be stored at the temperature recommended on the container. Outdated formula shall not be used.

The day nursery shall use either:

- (A) commercially pre-filled, individual disposable nursers with attached pre-sterilized disposable nipples; or
- (B) cans of commercially prepared formula, commercially pre-mixed and ready-to-feed, from which the formula shall be poured directly into a sanitized bottle, or into a sanitized nurser hull with a sterile disposable liner, to which a sanitized nipple shall be affixed.

If a day's supply of bottles is prepared at one time, each bottle shall be covered and labeled with the child's name, date and hour poured. Bottles shall be stored at 45° F., for no longer than 24 hours, in a refrigerator located in the infant food preparation room. Remaining portions of formula that have never been poured from the original containers may also be stored as stated above.

Any formula remaining in a nurser after a feeding shall be discarded.

If breast milk is to be used, the day nursery shall contact the SBH for procedures governing such use.

All permanent ware bottles and reusable nipples shall be washed and sanitized after each use.

- (2) Sanitizing Procedures. Procedures for bottle preparation and sterilization shall be posted.

The following care shall be given permanent ware bottles, nipples, collars, caps, expanders and tongs.

(A) Pre-wash in hot detergent water. Scrub bottles and nipples inside and out with bottle and nipple brush. Squeeze water through nipple hole during washing. Rinse well with clean, hot water.

(B) Boil in clear water: bottles for five minutes; nipples and caps, collars, and tongs for three minutes; air dry.

(C) All shall be stored separately in clean, covered, labeled containers, away from food and in compliance with 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.], Food Service Sanitation Requirements.

(D) Hands shall be clean and care taken in handling techniques to prevent contamination of clean bottles and nipples.

(3) Milk. When the physician indicates that an infant is to receive cow's milk, he shall indicate whether to use whole or 2% milk which has been homogenized, pasteurized and vitamin D fortified. Use of powdered dry milk is not allowed.

At feeding time, milk shall be poured from the original container directly into the sanitized bottle or training cup. All unused portions of an individual feeding shall be discarded.

Milk shall be stored at 45° F. in a refrigerator located in the infant food preparation room.

A clean, sanitized training cup shall be provided for each child who is old enough and ready to drink from it.

(4) Water. If the physician indicates that sterile water shall be offered the infant in addition to his formula, a home sterilizer may be used to sterilize water, bottles and nipples in one procedure.

(5) Solid Foods. Foods, commonly known as "baby food", (cereals, strained or chopped meats, vegetables and fruits) shall be commercial products purchased by the nursery. In certain situations equivalent foods may be prepared in the nursery, or brought to the nursery by the parent in the form of unopened commercial products. Mixed dinners or mixed desserts are not recommended; plain strained vegetables, fruits and meats are preferred. These foods may not be fed from a nurser or nurser-type equipment.

After commercial containers have been opened, the jars shall be covered, dated and refrigerated. Contents of opened jars shall be used within 24 hours or shall be discarded.

If a child is fed directly from the jar, the unused portions shall be discarded.

Food prepared at the center shall be used within 24 hours of its preparation and shall be stored in the refrigerator in labeled, covered, sanitized containers.

(d) Transition to Table Foods. The child should be encouraged to learn to feed himself with a spoon, but should also be allowed finger foods. Protective covering for the floor and child shall be supplied and the child's hands and face shall be washed before and after meals.

Menus shall be planned one week in advance of serving, and posted in the toddler room, kitchen, and in a place to be viewed by parents. Separate menus shall be posted for each child who has special dietary needs, based on the written order of the child's physician.

Eating utensils shall be provided. When a child is able and seems ready to adjust to eating with others at a table, he may be placed at a child's table. At all meals, one adult shall be seated at the table to supervise no more than four or five children.

(e) Furnishings for Feedings. Tables and chairs of appropriate height and size, high chairs with a broad base or feeding tables shall be provided according to the age and development of the child. Harnesses for securing the children shall always be used.

Infants and toddlers shall be fed in their own rooms. (*Division of Family and Children; 470 IAC 3-4.2-8; filed Oct 18, 1985, 8:41 am; 9 IR 502; errata, 9 IR 1667; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.2-9 Building, grounds and equipment

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 9. (a) Indoors. (1) Space and Furnishings. Storage space for supplies and the personal belongings of each child shall be in or immediately adjacent to each room. Diaper bags brought from home shall not be stored in the room.

(A) Infants. Space shall be provided for necessary equipment and for staff to comfortably perform child care duties. The space for a crib for each infant is included in the 35 square feet of required space per child. There shall be at least three feet between cribs.

Each infant room shall be equipped with a crib and individual bedclothes for each infant; swings, walkers, toys, play pens and high chairs to meet the needs of the infants; a rocking chair for each child care worker; and a lavatory.

Cribs shall be of sturdy construction with closely spaced bars. Spaces between the bars of the crib, between the bars and end panels of the crib, as well as crib head and footboard designs shall not exceed 2 3/8 inches. Tiered cribs are prohibited. Mesh cribs, play pens, and bassinets of any type shall be prohibited for sleeping. All surfaces must be cleanable.

Each crib shall have a firm mattress which has been securely covered with a waterproof material not dangerous to children. When the mattress is placed against the perimeter of the crib, the resulting gap shall not exceed one inch.

Locks and latches on the dropside of a crib must be safe and secure from accidental release or release by the child inside the crib.

Only children under 30 inches tall shall use a portacrib. (See 470 IAC 3-4.2-2 for definition of portacrib.) Only children under 35 inches tall shall use a full-sized crib. (See 470 IAC 3-4.2-2 for definition of a full-sized crib.)

Any room housing six or more infants shall have exits which are in compliance with the rules of the FPBSC (675 IAC).

(B) Toddlers. Each toddler activity room shall be equipped with stabilized low, open shelves for toys; a supply of toys, child-size tables and chairs, high chairs and other play equipment to meet the activity needs of each toddler; at least one rocking chair for child care workers; and a lavatory.

Each toddler shall have a separate cot or crib with individual bedclothes. Toddlers may sleep in their activity room or in a separate room. There shall be at least three feet of space between cots. Cots shall be stored in a clean, dry place not used by children.

(2) Lavatory and Toilet Facilities. There shall be a minimum of one changing table, one flush toilet and one lavatory for each group of infants and for each group of toddlers. Nursery seats or toilet chairs shall be provided for children learning toilet habits. If infants are changed in their individual cribs, a changing table is not required.

Toilets, toilet chairs, nursery seats, changing tables and lavatories shall be clean and sanitized.

For new construction, a toilet room is required to open into each infant and toddler room. A handwashing lavatory shall be within 10 feet of the toilet, and within 10 feet of the changing table.

(b) Outdoors. An enclosed activity area shall be provided for infants and toddlers. It should be separate from space used by older children. If the enclosed play area must be shared with older children, they shall not use it at the same time.

(c) Environment and Equipment. The indoor and outdoor environment shall be such to invite physical activity, learning and experimentation according to the child's age, and shall include play objects that the child can use independently and that respond to his actions.

All articles which the infant or toddler is given to handle shall be nontoxic, washable, too large to swallow, and without rough edges or sharp corners. They shall be sanitized on a regular basis.

Play equipment shall include a variety of toys and materials, sufficient in number to allow each child a selection of two or more at any one time. Play materials and equipment shall be provided from each of these categories:

- (1) art supplies;
- (2) blocks;
- (3) books;
- (4) fine motor or manipulative toys;
- (5) gross motor or large muscle equipment;
- (6) musical instruments and equipment; and
- (7) stuffed toys.

These items shall be stored on stable, low, open shelves.

The floor covering in infant and toddler rooms shall be safe and easily cleanable. Throw rugs are not permitted. If carpeting is used, no more than one-third of any infant or toddler room or area shall be carpeted. It shall be vacuumed daily when children are not present and shampooed as frequently as necessary to keep it clean. (*Division of Family and Children; 470 IAC 3-4.2-9; filed Oct 18, 1985, 8:41 am; 9 IR 504; errata, 9 IR 1667; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-4.2-10 Safety

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 10. There shall be staff on duty at all times, who have been trained by local fire officials in evacuating infants and toddlers from the nursery, to evacuate the number of such children under care at any time.

Furniture that could be pulled over by toddlers shall not be accessible to them.

All areas, surfaces and items including toys, cribs, jumpers and play pens with which infants and toddlers will come in contact shall be free of any residual pesticides and paint containing lead or other harmful materials or finishes, and shall be clean and easily sanitized.

The infant and toddler rooms shall not be used as throughways. (*Division of Family and Children; 470 IAC 3-4.2-10; filed Oct 18, 1985, 8:41 am; 9 IR 505; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4.3. Migrant Day Care Centers (Expired)

(*Expired under IC 4-22-2.5, effective January 1, 2002.*)

Rule 4.4. Child Care Facilities; Exempted Day Nurseries

NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1) to the Division of Family and Children (470 IAC 3-4.4) by P.L.9-1991, SECTION 129, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 410 IAC 22-1, substitute 470 IAC 3-4.4.

470 IAC 3-4.4-1 Definitions

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. As used in 410 IAC 22-1:

“Exempted center” means a day nursery that:

- (1) is operated under the federally funded Head Start program (42 U.S.C. 9831 et seq.) and the Texas migrant council;
- (2) provides services for children from migrant worker families; and
- (3) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.

“Facility” means an exempted day nursery licensed pursuant to IC 12-3-2-3.5 [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*].

“Food” means any raw, cooked or processed edible substance, ice, beverage, drink, or ingredients used or intended for use in whole or in part for human consumption.

“Food equipment” means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a kitchen.

“Group” means a specific number of children assigned to specific staff member(s).

“Infant” means a child from six (6) weeks of age to the time he is beginning to walk.

“Potentially hazardous food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting growth of infectious or toxigenic micro-organisms. The terms does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

“Room” means an area enclosed on all sides by walls or partitions.

“Sanitization” means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

“Single-service articles” means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, tooth-picks, and similar articles intended for one-time, one-person use and then discarded.

“SBH” means the Indiana state board of health.

“Toddler” means a child from the time he is beginning to walk to age two years.

“Utensils” means any implement used in the storage, preparation, transportation, or service of food. (*Division of Family and Children; 470 IAC 3-4.4-1; filed Oct 14, 1987, 2:45 pm: 11 IR 930; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: *Transferred from the Indiana State Department of Health (410 IAC 22-1-1) to the Division of Family and Children (470 IAC 3-4.4-1) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-2 Diapering

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. (a) When indicated, diapered children shall be given prompt hygienic care, including hand and face washing and body cleansing. Materials for skin cleaning shall be immediately accessible at all times, and discarded after each use in a tightly covered container. The containers shall be emptied and sanitized at least daily.

(b) Diapering Room Area. Children who are not toilet trained shall be cared for in rooms and areas which are separated by age groups from other children. Diapers shall not be changed on the floor. Each class area or room used to house diapered children shall contain a handwashing sink and a changing table. Toilet rooms for each shall be easily accessible.

Crib bedding shall be clean, changed immediately when wet or soiled and at least weekly. Soiled crib bedding shall not be allowed to accumulate for longer than twenty-four (24) hours before laundering and a clean supply of bedding shall be in reserve at all times to allow for delays in laundry pick-up and delivery or washing.

(c) Diaper Table. When changing tables are used, there shall be a soft, washable, waterproof pad on the table with a clean strip of waterproof, disposable paper to cover it. A fresh protective strip shall be placed on the pad after each diaper change. The pad and table shall be sanitized when they become soiled and at the end of each day.

Care shall be taken to prevent contamination of common diapering supplies. (*Division of Family and Children; 470 IAC 3-4.4-2; filed Oct 14, 1987, 2:45 pm: 11 IR 930; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: *Transferred from the*

Indiana State Department of Health (410 IAC 2-1-2) to the Division of Family and Children (470 IAC 3-4.4-2) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.4-3 Diapers

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. (a) Clean diapers shall be stored in a closed container or bag off the floor.

(b) Soiled Diapers. After use, fecal material shall be immediately emptied from the diapers into a flush toilet. Soiled diapers shall be kept in a plastic bag in a tightly covered sanitary container that is inaccessible to children. The bags shall be tied tightly and removed from the facility's premises at the end of each day. If an incinerator is not available, the bags shall be disposed of daily in the same manner as unburnable trash.

(c) Cloth Diapers. Cloth diapers furnished by the facility shall be laundered by a laundry service and shall be stored separately from other diapers and linen. The soiled diapers shall be kept in tightly covered sanitary containers.

Cloth diapers furnished by the parents shall be kept separate from diapers used for other children. After proper rinsing, the soiled diapers shall be placed in a plastic bag, stored through the day in a tightly closed container, and returned to the parent daily. Containers for soiled diapers shall be cleaned and disinfected at least daily. Separate containers shall be used for clean and soiled items. (*Division of Family and Children; 470 IAC 3-4.4-3; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: *Transferred from the Indiana State Department of Health (410 IAC 22-1-3) to the Division of Family and Children (470 IAC 3-4.4-3) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-4 Contaminated articles

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. Whenever exposure to communicable disease has occurred in the facility, the facility shall provide the disinfection of toilet facilities, furnishings, toys or other articles that may have been used by a child diagnosed as having a communicable disease, and the effective disinfection and disposal of bodily discharges containing infectious material.

No facilities or articles that have been used by a child suspected of having a communicable disease shall be used by any other person until they have been disinfected or until it has been established that the child did not have a communicable disease.

The facility shall provide and use a room or area to separate from the group any child having or suspected of having a communicable disease or any illness. This room or area shall not be used for any other purpose by the children while being used as isolation quarters. Toilet and lavatory facilities shall be nearby. Furnishings shall be easily sanitized. (*Division of Family and Children; 470 IAC 3-4.4-4; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: *Transferred from the Indiana State Department of Health (410 IAC 22-1-4) to the Division of Family and Children (470 IAC 3-4.4-4) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-5 Hygiene

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. (a) Children. The facility schedule shall include provision for supervised personal hygiene, washing hands and face before meals, and washing hands after using toilet facilities for each child.

Each child shall be provided with disposable paper towels, dispensed in a sanitary manner. Toilet tissue, dispensed in a sanitary manner, shall be available at every toilet. Soap shall be conveniently available to every handwashing lavatory. When liquid soap is provided, soap dispensers shall be installed at a height to facilitate use by children.

Wet or soiled clothing shall be changed promptly. A supply of clean clothing shall be available for this purpose.

(b) Adults. All child care personnel shall wash their hands before and after each child care duty including individual feedings, bathing, and diapering. There shall be facilities and supplies immediately available for this at all times. Outer garment coverings shall be changed when soiled. (*Division of Family and Children; 470 IAC 3-4.4-5; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: *Transferred from the Indiana State Department of Health (410 IAC*

22-1-5) to the Division of Family and Children (470 IAC 3-4.4-5) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.4-6 Food service sanitation

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) Formula and Care of Feeding Bottles. Formula prepared at home shall not be used. Only unopened, commercially prepared formula that is commercially pre-mixed and ready-to-feed shall be used. This commercial formula may be furnished by the parent or the facility, and shall be stored at the temperature recommended on the container. Outdated formula shall not be used.

The facility shall use either:

- (1) commercially pre-filled, individual disposable nursers with attached pre-sterilized disposable nipples; or
- (2) cans of commercially prepared formula, commercially pre-mixed and ready-to-feed, from which the formula shall be poured directly into a sanitized bottle, or into a sanitized nurser hull with a sterile disposable liner, to which a sanitized nipple shall be affixed.

If a day's supply of bottles is prepared at one time, each bottle shall be covered and labeled with the child's name, date and hour poured. Bottles shall be stored at 45° F., for no longer than twenty-four (24) hours. Remaining portions of formula that have never been poured from the original containers may also be stored as stated above. Any formula remaining in a nurser after a feeding shall be discarded.

All permanent ware bottles and reusable nipples shall be washed and sanitized by the facility after each use.

(b) Sanitizing Procedures. Procedures for bottle preparation and sterilization shall be posted.

The following care shall be given permanent ware bottles, nipples, collars, caps, expanders and tongs:

- (1) Pre-wash in hot detergent water in a nonhandwashing sink. Scrub bottles and nipples inside and out with bottle and nipple brush. Squeeze water through nipple hole during washing. Rinse well with clean, hot water.
- (2) Boil in clear water: bottles for five (5) minutes; nipples and caps, collars, and tongs for three (3) minutes; air dry.
- (3) All shall be stored separately in clean, covered, labeled containers, away from food.
- (4) Hands shall be clean and care taken in handling techniques to prevent contamination of clean bottles and nipples.

(c) Milk. Use of powdered dry milk for drinking is not allowed. At feeding time, milk shall be poured from the original container directly into the sanitized bottle or training cup. All unused portions of an individual feeding shall be discarded. The facility shall contact the SBH for procedures if breast milk is to be used.

(d) Solid Foods. Foods, commonly known as "baby food," (cereals, strained or chopped meats, vegetables and fruits) shall be commercial products.

After commercial containers of baby food have been opened, the jars shall be covered, dated and refrigerated. Contents of opened jars shall be used within twenty-four (24) hours or shall be discarded. If a child is fed directly from the jar, the unused portion shall be discarded.

(e) Vendor Service. Each facility using vendor service shall have a written contract with the vendor which describes the responsibilities of the vendor and incorporates the assurances that the vendor's food service business, food handlers, and all premises used therein have been inspected and approved by local health authorities or by the SBH for the purpose of providing food for facilities.

Food items shall be transported in insulated containers that meet National Sanitation Foundation (NSF) standards, so that:

- (1) hot foods remain above 140° F.;
- (2) cold foods remain below 45° F.; and
- (3) frozen foods are kept frozen.

Upon receiving the food from the vendor, the facility shall verify the proper temperature of the food with a metal stem-type, numerically scaled, indicating thermometer and maintain these temperatures until serving time.

(f) Food Service. The kitchen and any other food preparation area shall be maintained in a clean and sanitary condition, separate from areas used for any other purpose and shall be so located that it is not used as a throughway to other rooms or areas. The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

(g) Food Safety. All food items shall be from approved sources only. Food prepared in a home kitchen shall not be used. Food items shall be received at the center in the original, unopened, undamaged packaging and shall be properly protected from damage and potential contamination. Any food preparation or handling, except for necessary transportation, shall be in the kitchen only.

The temperature of potentially hazardous food shall be 45° F. or below or 140° F. or above at all times. Frozen food shall be

kept frozen and should be stored at a temperature of 0° F. or below.

(h) Refrigerator and Freezers. Enough conveniently located refrigeration facilities shall be provided to assure the maintenance of potentially hazardous food at required temperature during storage and after preparation. Refrigerators and freezers shall be in good condition, clean, and shall maintain the proper temperatures. Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

(i) Ranges. Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperatures during storage and after preparation. Ranges shall be in good condition, and in proper and safe operating condition.

(j) Dishwashing. Whenever dishwashing and sanitizing are conducted mechanically or manually, the machines, equipment and procedures must be approved by the SBH and the written procedures posted.

A three (3) compartment sink shall be used whenever washing and sanitizing are conducted manually. One of these may be a portable sink for dishwashing purposes. Multi-use utensils and equipment shall be thoroughly washed in a detergent solution in the first compartment of the sink, and then shall be rinsed free of such solutions in the second compartment of the sink. All eating and drinking utensils and, where required the food-contact surfaces of all other equipment and utensils shall be sanitized in the third compartment by one of the following methods:

- (1) immersion for at least one-half (1/2) minute in clean, hot water maintained at a temperature of at least 170° F.; or
- (2) immersion for at least one minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

Cleaned and sanitized equipment and utensils shall always be air dried, never towel dried.

An alternative to dishwashing is the use of sturdy, all disposable, single service articles and utensils. If any multi-use cooking or serving utensils are used, approved dishwashing facilities shall be provided and used. Reuse of single service articles and utensils is prohibited.

(k) Storage. Containers and packages of food, other than cased food packaged in waterproof containers, cleaned and sanitized utensils, equipment, and single service articles shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination and away from any cleaning compounds, toxic or hazardous materials.

(l) Hygiene. A handwashing sink shall be located in the kitchen, supplied with soap and disposable towels from a dispenser. Persons who prepare, handle and serve food shall thoroughly wash their hands with soap and water and use disposable towels for drying. Handwashing shall be done before starting work, and washed as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

Persons who prepare and handle food shall wear clean, washable garments (aprons or smocks) and effective hair restraints. Children shall not serve food or assist in the preparation of food that will be consumed by another person.

(m) Cleaning Procedures. Work and cleaning schedules shall be written, posted and followed for all the food storage, preparation and service areas. All food preparation surfaces and eating surfaces shall be sanitized before and after use.

(n) Insect and Rodent Control. Adequate measures shall be taken to prevent entry of insects and/or rodents (16-mesh screen on outside openings; sealing cracks; sealing around pipes, plumbing and ducts). Proper cleaning shall be provided to minimize attraction to food sources.

(o) Waste Disposal. All garbage and trash containers in the kitchen and day care center shall be tight-seamed, easily cleanable, covered with close-fitting lids pending removal, and shall be removed from the kitchen and center on a daily basis. Containers shall be cleaned and disinfected as necessary. *(Division of Family and Children; 470 IAC 3-4.4-6; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-6) to the Division of Family and Children (470 IAC 3-4.4-6) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-7 Buildings, grounds, equipment, furnishings, materials and supplies

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 7. (a) Cots. Each child not requiring a crib and young enough to nap shall be provided an individual cot. Cots shall be easily sanitized, and the sleeping surfaces off the floor. All cots shall be sanitized daily after each use. Weekly sanitation of a cot is acceptable only if the cot is used by the same child each day. Cots shall be spaced at least two (2) feet apart on all sides except where they touch the wall.

Coverings used to maintain comfort and warmth shall be clean and individually marked. Individual storage shall be provided

for coverings, children's personal items and clothing.

Cots shall be in good repair and stored in a manner as to prevent injury to children.

(b) Space and Furnishings for Infants and Toddlers. Supplies and personal belongings of each child shall be individually stored and easily accessible. Diaper bags brought from home shall not be stored in the room.

Tiered cribs are prohibited. Mesh cribs, playpens, and bassinets of any type shall be prohibited for sleeping. All surfaces shall be cleanable.

Crib mattresses shall be securely covered with a waterproof material not dangerous to children. There shall be at least three (3) feet between cribs.

(c) Outdoor Play Area. The play area shall be well drained and free from hazards which might be dangerous to the life or health of the children.

(d) First Aid and Medications. Poisons and medications or other harmful chemicals shall be kept under lock, away from children. First aid supplies, hazardous articles, materials, and equipment such as cleaning fluids, polishes, bleaches, detergents, matches, and tools shall be stored in a place inaccessible to children.

Medication requiring refrigeration shall be stored in a lidded plastic container clearly labeled "medication." Medication not requiring refrigeration shall not be stored in the kitchen.

(e) Safety. Equipment, materials and furnishings, whether for indoor or outdoor use, shall be sturdy, nontoxic, easy to clean, and kept clean and in good, safe condition, free of sharp points or jagged edges, splinters, protruding nails or wires, loose parts, rusty parts, materials containing poisonous substances, or paint which contains lead or other poisonous materials, and free from hazards to the life or health of children.

All areas, surfaces and items including toys, cribs, jumpers and playpens with which children will come in contact shall be free of any residual pesticides and paint containing lead or other harmful materials or finishes, and shall be clean and easily sanitized on a regular basis.

The floor coverings shall be safe and easily cleanable. If carpeting is used, it shall be firmly secured, vacuumed daily when children are not present and shampooed as frequently as necessary to keep it clean.

Fans shall be kept clean and used in such a way as to prevent injury to children.

(f) Design and Construction. The facility shall be structurally sound, in good repair, and safe for children. The premises shall be maintained in a clean, neat and sanitary condition. Rooms shall not be swept or dusted while occupied by children except for cleaning up after food service or art projects. Kitchens, infant rooms, and toddler rooms shall not be used as throughways to other rooms or areas.

(g) Lavatory and Toilet Facilities. The facility shall provide inside toilet rooms equipped with flush toilets and securely fastened, sealed to the wall, supported wash basins with hot and cold running water. Toilet rooms shall be enclosed, adequately ventilated and located in close proximity to inside and outdoor play areas.

The facility shall provide a minimum of one wash basin and one flush toilet for each fifteen (15) children for which the facility is licensed. Toilet rooms with multiple toilets, shall not be used by school-age children of opposite sex, and toilets for school-age children shall be separated by partitions.

If child-size toilets and wash basins are not available, easy to clean steps or platforms shall be provided for small children. Nursery seats or toilet chairs shall be provided for children learning toilet habits. Toilet facilities shall be furnished for the staff and other adults separate from those furnished for the children.

All non-portable handwashing facilities shall be provided with hot and cold running water. Automatic hot water control valves that will not permit the hot water temperature at the point of use to exceed 120° F. shall be used. The temperature of the water for handwashing shall be at least 100° F. Alternative portable sinks are suitable if proper sanitary procedures are followed as specified by the SBH.

Toilets, toilet chairs, nursery seats, changing tables and lavatories shall be clean and sanitized.

When natural light is insufficient, it shall be supplemented by artificial light and properly diffused and distributed.

All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by securely fastened 16-mesh screening, as the season requires.

Areas used by the children shall be heated when the temperature falls below 68° F., so that a temperature of 68° F. to 72° F. may be maintained within two feet of the floor. (*Division of Family and Children; 470 IAC 3-4.4-7; filed Oct 14, 1987, 2:45 pm: 11 IR 933; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-7) to the Division of Family and Children (470 IAC 3-4.4-7) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.4-8 Water supply, plumbing and sewage disposal

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 8. (a) Water Supply. Water supplies shall be constructed and operated in accordance with the requirements of 410 IAC 6-5.1-8 [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], excluding 410 IAC 6-5.1-8(f) [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]. For the purposes of 410 IAC 22-1, exempted day nurseries, every reference to “school” contained in 410 IAC 6-5.1-8 [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], shall be considered as a reference to an exempted center.

(b) Drinking Fountains. Drinking fountains shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times. If drinking fountains are not available, individual single service cups shall be provided in a sanitary dispenser, and used only once. Drinking fountains shall not be located in restrooms, and drinking water shall not be provided from restrooms. Children shall not go into the kitchen or bathroom to obtain drinking water.

(c) Plumbing and Sewage Disposal. All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, or when soil conditions prohibit the construction of an adequate on-site system. Any on-site sewage treatment system shall meet the requirements of 410 IAC 6-10. If a discharging sewage treatment system is to be constructed, it shall meet the requirements of the department of environmental management.

New plumbing equipment shall meet the requirements of the fire prevention and building safety commission (FPBSC) and SBH. (*Division of Family and Children; 470 IAC 3-4.4-8; filed Oct 14, 1987, 2:45 p.m.: 11 IR 934; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: *Transferred from the Indiana State Department of Health (410 IAC 22-1-8) to the Division of Family and Children (470 IAC 3-4.4-8) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-9 State and local housing requirements; conformance

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 9. Any area of a structure in which a facility is located shall meet the requirements of the SBH and FPBSC. The appropriate zoning requirements shall be met. (*Division of Family and Children; 470 IAC 3-4.4-9; filed Oct 14, 1987, 2:45 pm: 11 IR 935; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: *Transferred from the Indiana State Department of Health (410 IAC 22-1-9) to the Division of Family and Children (470 IAC 3-4.4-9) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

Rule 4.5. Child Care Facilities; Registered Day Care Ministries

NOTE: *Transferred from the Indiana State Department of Health (410 IAC 22-2) to the Division of Family and Children (470 IAC 3-4.5) by P.L.9-1991, SECTION 129, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 410 IAC 22-2, substitute 470 IAC 3-4.5.*

470 IAC 3-4.5-1 Definitions

Authority: IC 12-13-5-3
 Affected: IC 12-17.2

Sec. 1. As used in 410 IAC 22-2 [this rule]:

“Applicant” means that person who is the religious organization's local executive officer, such as the president of board of directors, board chairman, head of governing body, etc. Regardless of who is in charge of the daily program, the day care ministry shall be under the jurisdiction and management of the religious organization.

“Certificate of notice” means a document that is issued to the operator of a registered day care ministry found to be in compliance with 410 IAC 22-2 [this rule].

“Registered day care ministry” means day care provided as an extension of a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code, unlicensed but registered with the state board of health and state fire marshal's office pursuant to IC 12-3-2-12.7(c) [IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.].

“Facility” means an unlicensed but registered day care ministry.

“Food” means any raw, cooked, or processed edible substance, ice, beverage, drink, or ingredients used or intended for use in whole or in part for human consumption.

“Food equipment” means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a kitchen.

“Potentially hazardous food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

“Sanitization” means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

“Single-service articles” means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then to be discarded.

“SBH” means the Indiana state board of health.

“Utensils” means any implement used in the storage, preparation, transportation, or service of food. (*Division of Family and Children; 470 IAC 3-4.5-1; filed Aug 12, 1988, 1:50 p.m.: 12 IR 16; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-1) to the Division of Family and Children (470 IAC 3-4.5-1) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-2 Registration

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. (a) Application. Application for registration to operate a day care ministry shall be submitted annually to the SBH on forms provided for that purpose by that agency. As part of the application, the applicant shall submit a notarized criminal history affidavit form together with a statement verifying its exemption from federal income taxation under Section 501 of the Internal Revenue Code.

(b) Certificate of Notice. A certificate of notice shall be issued to a facility found to be in compliance with 410 IAC 22-2 [*this rule*] during each quarterly inspection.

(c) Certificate Validation. A registered day care ministry certificate of notice is deemed invalid unless the applicant complies with subsection (d) of this section within a reasonable time.

(d) Reporting Requirements. It shall be the responsibility of the applicant to report promptly to the SBH the following changes or events:

- (1) when the applicant changes;
- (2) if the location of the religious organization changes;
- (3) if the location of the building in which the child care service is provided changes;
- (4) when the child care service is discontinued;
- (5) a change in the location within the building where day care is provided;
- (6) any major damage caused by fire or natural disaster which adversely affects the sanitary conditions of the facility.

(*Division of Family and Children; 470 IAC 3-4.5-2; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-2) to the Division of Family and Children (470 IAC 3-4.5-2) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-3 Water supply, plumbing and sewage disposal

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. (a) Water Supply. Water supplies shall be constructed and operated in accordance with the requirements of 410 IAC 6-5.1-8 [*410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.*], excluding 410 IAC 6-5.1-8(f) [*410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.*]. For the purposes of 410 IAC 22-2 [*this rule*], the requirements of 410 IAC 6-5.1-8 [*410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.*], excluding 410 IAC 6-5.1-8(f) [*410 IAC 6-5.1-8*

was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], shall apply to registered day care ministries.

(b) Plumbing and Sewage Disposal. All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, or when soil conditions prohibit the construction of an adequate on-site system. Any on-site sewage treatment system shall meet the requirements of 410 IAC 6-10. If a discharging sewage treatment system is to be constructed, it shall meet the requirements of the department of environmental management. New plumbing equipment shall meet the requirements of the fire prevention and building safety commission (FPBSC) and SBH. *(Division of Family and Children; 470 IAC 3-4.5-3; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-3) to the Division of Family and Children (470 IAC 3-4.5-3) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.5-4 Buildings, grounds, equipment, furnishings, materials and supplies

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. Physical Facilities. The building or parts thereof used for day care purposes shall be structurally sound and shall at all times be maintained in a clean, safe, and sanitary condition and be in a good state of repair.

(1) All interior surfaces, equipment, materials, furnishings, and objects with which children will come in contact shall be well maintained, in a clean and sanitary condition, and of nontoxic durable construction.

(2) All restrooms shall be equipped with flush toilets and handwashing sinks and shall be ventilated to the outside. An adequate supply of water, under pressure, shall be provided at all handwashing sinks, as well as soap and disposable paper towels in dispensers. Toilet paper in dispensers shall be located at each toilet.

(3) Refuse, garbage, empty food containers, soiled diapers, or other items soiled with body fluids shall be discarded into conveniently located tightly lidded, watertight containers. These containers must be kept in a sanitary condition, and covered when not in use.

(4) All open windows, doors which are kept open for other than entering and leaving, ventilators, and other outside openings shall be protected against insects by securely fastened 16 mesh screening. Cracks shall be sealed and sealing shall be in place around pipes, plumbing, and ducts.

(5) Drinking water facilities shall not be located in restrooms and shall be constructed of impervious, easily cleanable materials and shall be kept clean and in a good state of repair. Drinking fountains, where provided, shall have a sanitary type guarded angle-stream jet head and an adjustable flow regulator.

(Division of Family and Children; 470 IAC 3-4.5-4; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-4) to the Division of Family and Children (470 IAC 3-4.5-4) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-5 Food service sanitation

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. (a) Food Service. The kitchen and any other food preparation area shall be maintained in a clean and sanitary condition, separate from areas used for any other purpose, and shall be so located that it is not used as a throughway to other rooms or areas. The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

(b) Food Safety. All foods provided by the facility, for children enrolled in the day care ministry, shall be from a food establishment, inspected and approved by a governmental agency. Food items shall be received at the facility in the original, unopened, undamaged packaging and shall be properly protected from damage and potential contamination. Food shall be free from spoilage, filth, or other contamination and shall be safe for human consumption.

The temperature of all potentially hazardous food shall be 45° F. or below or 140° F. or above at all times. Frozen food shall be kept frozen and should be stored at a temperature of 0° F. or below.

(c) Refrigerator and Freezers. Enough conveniently located refrigeration facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Refrigerators and freezers shall be in good condition, clean, and shall maintain the proper temperatures. Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

(d) Ranges. Enough conveniently located ranges shall be provided to assure the maintenance of hot, potentially hazardous food at the required temperatures during storage. Ranges shall be in good condition, clean, and in proper and safe operating condition.

(e) Dishwashing. Any multi-use utensils, tableware, or kitchenware shall be washed and sanitized between each use. Dishwashing and sanitizing shall be conducted mechanically in a commercial dishwasher or manually in a three (3) compartment sink, one (1) of these may be a portable sink or container, deep enough to permit total immersion of the articles used by the facility. Drainboards or movable dish tables of adequate size shall be provided. The manual dishwashing procedure shall consist of thoroughly washing multi-use utensils and equipment in a detergent solution in the first compartment of the sink, and rinsing free of such solutions in the second compartment of the sink. A sink used for dishwashing shall not be used for handwashing. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized in the third compartment by one (1) of the following methods:

- (1) immersion for at least one-half (1/2) minute in clean, hot water maintained at a temperature of at least 170° F.; or
- (2) immersion for at least one (1) minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

Cleaned and sanitized equipment and utensils shall always be air dried, never towel dried.

An alternative to dishwashing is the use of sturdy, all disposable, single-service articles and utensils. Reuse of single-service articles and utensils is prohibited.

All permanent ware infant feeding bottles and reusable nipples provided by the facility shall be washed and sanitized by the facility after each use as follows:

Prewash in hot detergent water in a nonhandwashing sink; scrub bottles and nipples inside and out with bottle and nipple brush; squeeze water through nipple hole during washing; and rinse well with clean, hot water. Boil in clear water – bottles for five (5) minutes; nipples and caps, collars, and tongs for three (3) minutes; and air dry. Store each item separately in clean, covered, labeled containers.

(f) Storage. Containers and packages of food, cleaned and sanitized utensils, equipment, and single-service articles shall be stored at least six (6) inches above the floor in a clean, dry location in such a way that protects them from contamination, cleaning compounds, and toxic or hazardous materials. This does not apply to cased food packaged in waterproof containers.

(g) Hygiene. A sink used exclusively for handwashing shall be located in the kitchen and supplied with soap and disposable towels from a dispenser. Persons who prepare, handle, and serve food shall thoroughly wash their hands with soap and water and use disposable towels for drying. Handwashing shall be done before starting work and as often as necessary to keep them clean. Persons who prepare and handle food shall wear clean, washable garments (aprons or smocks) and effective hair restraints. All food preparation and eating surfaces shall be sanitized before and after use. (*Division of Family and Children; 470 IAC 3-4.5-5; filed Aug 12, 1988, 1:50 p.m.: 12 IR 18; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-5) to the Division of Family and Children (470 IAC 3-4.5-5) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-6 General sanitation

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) Cots and Cribs. Cots and cribs shall be constructed of sturdy, cleanable material and sanitized after each use; weekly sanitation of a cot or crib is acceptable if the cot or crib is used exclusively by the same child each day. Not more than one (1) child may occupy a crib or cot at any one (1) time. Linens and coverings shall be kept clean.

(b) Handwashing. Adults and children shall wash their hands after using the toilet and before eating.

(c) Ill Children. Ill children shall be kept separate from others and all surfaces and items with which a sick child has come in contact with shall be cleaned and sanitized after each use. Individual belongings shall be kept separate.

(d) Diapers. The diapering process shall be done on a table, in a clean and sanitary manner. The diaper changing surface shall be sanitized after each use and materials used for skin cleansing shall be discarded after each use into a tightly covered, easily sanitized container. Individuals responsible for diaper changing shall wash their hands after each diaper change. (*Division of Family and Children; 470 IAC 3-4.5-6; filed Aug 12, 1988, 1:50 p.m.: 12 IR 19; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-6) to the Division of Family and Children (470 IAC 3-4.5-6) by P.L.9-1991, SECTION 129, effective July 1, 1992.

Rule 4.6. School Age Child Care Program

NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3) to the Division of Family and Children (470 IAC 3-4.6) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-1 Purpose

Authority: IC 12-13-5-3; IC 12-17-12-17; IC 12-17-13-9
Affected: IC 12-17-12; IC 20-5-2-2; IC 20-5-6-7

Sec. 1. The purpose of 490 IAC 3 [this article] is to implement the school age child care program, authorized by IC 20-5-61 [IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective July 1, 1992.], which offers care to children between five (5) and fifteen (15) years of age for the period of time before or after the school day, or both, during periods when school is not in session, and during periods when school is in session for students who are enrolled in a half-day kindergarten program. (Division of Family and Children; 470 IAC 3-4.6-1; filed Aug 15, 1988, 1:00 p.m.: 12 IR 20; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) *NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-1) to the Division of Family and Children (470 IAC 3-4.6-1) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-2 Definitions

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 2. "Board" means the interdepartmental board for the coordination of human service programs.

"Child's legal custodian" means the child's parent or custodian as determined by a court of law.

"Physical or mental incapacity" of the child's legal custodian is based on the receipt of Social Security disability or supplemental security income as the result of a disability, or the status of being an active vocational rehabilitation client, for the purposes of IC 20-5-61-10(a)(2)(C) [IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective July 1, 1992.].

"Vocational training" means certified or accredited programs when determining whether a family falls within the priorities as set forth at IC 20-5-61-10(a)(2)(A) [IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective July 1, 1992.]. (Division of Family and Children; 470 IAC 3-4.6-2; filed Aug 15, 1988, 1:00 p.m.: 12 IR 20; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) *NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-2) to the Division of Family and Children (470 IAC 3-4.6-2) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-3 Exclusions

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 3. The school age child care program does not include the following:

- (1) The provision of kindergarten certified by the department of education.
- (2) The provision of elementary or secondary education.
- (3) The periods during weekends and summer vacation from school.
- (4) Child care between the hours of 7 p.m. and 6 a.m., Monday through Friday.

(Division of Family and Children; 470 IAC 3-4.6-3; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) *NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-3) to the Division of Family and Children (470 IAC 3-4.6-3) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-4 Service provisions

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12-12; IC 20-5-2-1.5; IC 20-5-2-2; IC 20-5-6-7; IC 20-8.1-1-1

Sec. 4. (a) In order to provide services under IC 12-17-12, an entity must be:

- (1) a public school corporation as defined in IC 20-8.1-1-1; or
- (2) a not-for-profit organization which:

DIVISION OF FAMILY AND CHILDREN

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
(B) has provided extracurricular activities or services to children during the year preceding the date of application for a grant under IC 12-17-12.

(b) Preference will be given to those providers who operate school-based programs.

(c) Service providers must adopt the following sliding fee schedule:

Percent of Poverty Level		Fee to be Paid, Per Family, Per Unit of Service
0 - 100%	=	No fee
101 - 109%	=	\$ 1
110 - 118%	=	\$ 2
119 - 127%	=	\$ 3
128 - 136%	=	\$ 4
137 - 145%	=	\$ 5
146 - 154%	=	\$ 6
155 - 163%	=	\$ 7
164 - 172%	=	\$ 8
173 - 181%	=	\$ 9
182 - 190%	=	\$10

(d) Children of parents whose incomes exceed one hundred ninety percent (190%) of poverty may also be served in the program. The fee charged for those children may be set by the provider.

(e) Service providers must serve clients on a priority of need basis under IC 12-17-12-12.

(f) Service providers may make school age child care available from 6:00 a.m. until 7:00 p.m., Monday through Friday, when school is in session, on school holidays, and school vacation days during the regular school year.

(g) Under this program, service providers will be reimbursed a specified rate per unit, each unit being defined as the provision of four (4) hours or more of school age child care for one (1) child. One-half (1/2) a unit is defined as up to four (4) hours of school age child care for one (1) child. (*Division of Family and Children; 470 IAC 3-4.6-4; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1087; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-4) to the Division of Family and Children (470 IAC 3-4.6-4) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-5 Transportation

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 12-17-12

Sec. 5. Children enrolled in the school age child care program may be transported as a part of the program only:

- (1) from the child's school to the care site; or
- (2) from the care site to the child's school.

(*Division of Family and Children; 470 IAC 3-4.6-5; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-5) to the Division of Family and Children (470 IAC 3-4.6-5) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-6 Standards

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 20-5-2-2; IC 20-5-6-7

Sec. 6. (a) Providers of school age child care shall meet the standards in this section.

(b) Staffing of the school age child care program shall be as follows:

(1) Health requirements for all staff shall be as follows:

(A) No person shall be permitted to perform any services in the program until the person has furnished the program

with a statement from a physician that the person is free of tuberculosis in an infectious state. Each such person is required to have a health examination within three (3) months prior to entering the service of the program. The examination shall include a chest x-ray or Mantoux tuberculin test and may include laboratory tests and immunizations as deemed necessary by the attending physician. If the tuberculin test is positive, the chest x-ray is mandatory.

(B) Annual Mantoux tuberculin testing is mandatory for all persons having direct contact with children.

(C) Volunteers, substitutes, student aides, and any other personnel having direct contact with the children or providing food service are also subject to this subdivision. Records shall be kept for all of these persons.

(2) The director, who shall be at least twenty-one (21) years of age, with at least two (2) years of experience working with children in a children's program, or a two (2) year associate's degree in a child care related field, shall be responsible for the operation of the program at all times.

(3) During any necessary absence of the director, a responsible person shall be designated to be in charge, who shall have sufficient knowledge of emergency procedures and day to day operating procedures as is necessary to carry on the normal operation of the facility.

(4) No program shall operate at any time without a responsible person eighteen (18) years of age or older present on the premises of the program.

(5) Persons having direct contact with children shall be equipped by education, training, skill, or experience to provide for the child's proper training and development as follows:

(A) Each staff member providing direct care to children shall have twelve (12) hours per year of inservice training. Fifty percent (50%) of these hours must be training received from a source other than the facility staff.

(B) All employees providing direct care to children shall have training in basic first aid within three (3) months of employment and at least every three (3) years thereafter.

(C) At all times when children are being cared for, the program must have on duty, or on the premises, at least one (1) staff member who is annually certified in a program on cardiopulmonary resuscitation and airway obstruction.

(6) The program shall provide substitute staff to replace employees on sick leave, vacation, or absent for other reasons. A responsible adult eighteen (18) years of age or older shall always be readily available to substitute for a regularly assigned staff member in charge of a unit of children.

(7) Volunteers, excluding parents, shall meet all the requirements and qualifications of the position to which they are assigned when they are counted in the child-staff ratios.

(8) Alcoholic beverages, weapons, and tobacco products shall not be permitted or used at the facility during the hours of operation in areas used for school age child care.

(c) Minimum staff to child ratios shall be as follows:

(1) The maximum number of children to be supervised by one (1) staff person is fifteen (15) if there are children who are five (5) years of age in the group, and twenty (20) for groups containing only children who are six (6) years of age or older.

(2) All persons who are responsible for and directly engaged in supervising and implementing activities for children shall be counted in determining the child-staff ratios.

(d) Emergency health care shall be as follows:

(1) The service providers shall establish a written plan for the emergency admission of a child who becomes ill or injured and needs emergency care.

(2) An easily accessible telephone and the telephone numbers of the program's consulting physician, parents of the children enrolled in the program, and of the closest emergency facility shall be immediately available.

(3) First aid procedures and emergency evacuation procedures shall be posted in each room occupied by children in this program.

(4) The program shall establish written policies regarding first aid for the care of illness or injuries, including directions for the care of poisoning, seizures, hemorrhaging, artificial respiration, and choking.

(5) Programs shall provide and use a separate area to isolate from the group any child having or suspected of having a communicable disease or any illness. Toilet and lavatory facilities shall be located within or near the area.

(6) The program shall have available to the staff a health record of each child enrolled in the program, including a record of allergies and chronic health conditions.

(7) Medication, poisons, and other harmful chemicals shall be securely locked in a cabinet or closet.

(8) No service provider shall administer any medication to a child except as permitted by state and local law and pursuant to express written authorization by the child's parent or guardian.

DIVISION OF FAMILY AND CHILDREN

(e) Nutrition requirements shall be as follows:

- (1) All programs shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Dietary Allowances (NRC/RDA) according to each child's age, the length of the child's daily program attendance, and meals served at home.
- (2) Children shall be served meals and snacks according to their hours of attendance and the weekly menus shall be posted.
- (3) Breakfast shall be offered to children who are in attendance a substantial amount of time before school begins.
- (4) Meal and snack assembly shall be done on a sanitized surface which is not located in a rest room.
- (5) Drinking water must be readily available to all children.

(f) Physical space requirements shall be as follows:

- (1) The indoor play area shall consist of not less than twenty (20) square feet of usable floor space per child enrolled.
- (2) The indoor and outdoor premises of the facility shall be clean, comfortable, and safe, as follows:

(A) The facility shall be protected against rodents and insects.

(B) The outdoor space shall:

- (i) be fenced;
- (ii) have natural barriers; or
- (iii) have other protective conditions;

to deter children from getting into unsafe conditions.

(C) There shall be no open drainage ditches, wells, or holes into which children may fall.

(D) Drainage shall be adequate to prevent stagnant pools of water from accumulating.

(E) Garbage and trash shall be stored in covered containers out of reach of the children and removed often enough to avoid creating a health hazard or nuisance.

(F) Open fireplaces shall not be used.

(G) All heating elements, including hot water pipes, shall be insulated or installed in a manner which makes them inaccessible to children.

(H) Furniture, equipment, and toys shall be sturdily constructed, without sharp edges, and present only minimal risks to children.

(I) Lead based paint shall not be used on surfaces accessible to children.

(J) Pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times.

(g) Each school age child care program shall provide program activities that are appropriate to the various age levels of the children to be served and that meet the developmental needs of each child.

(h) When a school age child care program transports children, the program is responsible for the safety of those children. The school age child care program shall do the following:

(1) Require a current operator's license as required by law for each vehicle driver.

(2) Secure written authorization from a parent or guardian to transport the child.

(3) Load and unload at the curb or on the side of the street on which the home, facility, or other destination is located.

(4) Use only vehicles which meet the following requirements:

(A) The vehicle shall be enclosed.

(B) The vehicle shall be provided with locking doors.

(C) The vehicle seats shall be attached to the floor.

(D) The vehicle shall be maintained in good condition and meet safety standards set by the Indiana bureau of motor vehicles.

(Division of Family and Children; 470 IAC 3-4.6-6; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1088; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-6) to the Division of Family and Children (470 IAC 3-4.6-6) by P.L. 9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-7 Eligibility

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 12-17-12

Sec. 7. (a) Every child between five (5) and fifteen (15) years of age is eligible for school age child care. However, the service

providers must do the following:

(1) Follow the standards under section 6 of this rule.

(2) Follow the service priorities which are as follows:

(A) The first priority must be given to children who are referred to a program by the local child protection service agency under IC 31-6-11 [*IC 31-6 was repealed by 268-1995, SECTION 17, effective July 1, 1995.*]. Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(B) The second priority must be given to children in kindergarten and grades 1 through 3 and their siblings, if their families need school age child care services because of:

- (i) enrollment of a child's legal custodian in vocational training under a degree program;
- (ii) employment of a child's legal custodian; or
- (iii) physical or mental incapacities of a child's legal custodian.

Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(C) The third priority must be given to children in grades 4 through 9, if their families need school age child care services because of:

- (i) enrollment of a child's legal custodian in vocational training under a degree program;
- (ii) employment of a child's legal custodian; or
- (iii) physical or mental incapacities of a child's legal custodian.

Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(D) The fourth priority must be given to children in families who do not meet the criteria set forth in clauses (A) through (C), but who have a gross income below one hundred percent (100%) of poverty.

(3) Follow the sliding fee schedule under section 4 of this rule.

(b) Service providers must obtain a declaration of the following:

(1) Family income.

(2) At least one (1) of the following:

- (A) Referral of child by a local child protection service agency.
- (B) Employment of child's legal custodian.
- (C) Enrollment of child's legal custodian in vocational training under a degree program.
- (D) The physical or mental incapacity of the child's legal custodian.

(3) The child's age, who must be between five (5) and fifteen (15) years of age.

(c) The poverty guidelines issued by the federal Office of Management and Budget shall be used to determine the poverty level to be used in the computation of the sliding fee.

(d) The fee required to be paid by each family will be based on gross income received in the thirty (30) day period prior to the date of application.

(e) Family income includes the following:

- (1) Money, wages, or salary.
- (2) The dollar amount of AFDC grants.
- (3) Social Security income, including Social Security disability, supplemental security income, and old age pensions.
- (4) Interest, rents, and dividends.
- (5) Net income from self-employment.
- (6) Pensions and annuities.
- (7) Unemployment compensation.
- (8) Worker's compensation.
- (9) Alimony and child support.
- (10) Veteran's pensions.

(Division of Family and Children; 470 IAC 3-4.6-7; filed Aug 15, 1988, 1:00 p.m.: 12 IR 22; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1090; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-7) to the Division of Family and Children (470 IAC 3-4.6-7) by P.L. 9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-8 Eligibility appeal process

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 4-21.5-1; IC 12-17-12

Sec. 8. (a) An individual who has been denied services may appeal that action to the board after attempting to resolve the problem with the local service provider.

(b) The request for a hearing must be submitted in writing and signed by the appellant. This request must be received by the board within thirty (30) days of the appellant's notification that services are denied.

(c) The board shall hold the hearing within thirty (30) days after receipt of the request for a hearing.

(d) The hearing shall be conducted in accordance with the Indiana Administrative Adjudication Act, IC 4-21.5-1.

(e) The board shall notify the appellant and the local service provider by certified mail of the appeal decision within ten (10) days after the hearing. (*Division of Family and Children; 470 IAC 3-4.6-8; filed Aug 15, 1988, 1:00 p.m.: 12 IR 23; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-8) to the Division of Family and Children (470 IAC 3-4.6-8) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-9 Applications of service providers

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 12-17-12

Sec. 9. (a) The interdepartmental board for the coordination of human service programs shall send out proposal packets at least yearly.

(b) All proposals which are completed by potential service providers and returned to the interdepartmental board shall be evaluated using the following criteria:

(1) cost-effectiveness of the program plan;

(2) whether the goals and objectives are realistic in relationship to the program design, staff, and budget;

(3) adherence to the school age child care service definitions;

(4) adherence to specific requirements of IC 20-5-61 and 490 IAC 3 [this article];

(5) administrative capability of the service provider to comply with the terms of the contract;

(6) the need for the program in the proposed service area as compared to the quantity of providers elsewhere in the state;

(7) other relevant criteria as deemed necessary by the board.

(*Division of Family and Children; 470 IAC 3-4.6-9; filed Aug 15, 1988, 1:00 p.m.: 12 IR 23; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-9) to the Division of Family and Children (470 IAC 3-4.6-9) by P.L.9-1991, SECTION 133, effective July 1, 1992.

Rule 5. Services to Families and Children

470 IAC 3-5-1 Definition of special services for unwed parents (Repealed)

Sec. 1. (*Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 222*)

470 IAC 3-5-2 Application for special services for unwed parents (Repealed)

Sec. 2. (*Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223*)

470 IAC 3-5-3 Eligibility for special services; denial (Repealed)

Sec. 3. (*Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223*)

470 IAC 3-5-4 Limitation of special services; available services (Repealed)

Sec. 4. (Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)

470 IAC 3-5-5 Interstate and intercountry placement of children into Indiana; types of placements needing prior written approval and consent of state department (Repealed)

Sec. 5. (Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)

470 IAC 3-5-6 Approval and consent of interstate and intercountry placement of dependent children (Repealed)

Sec. 6. (Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)

470 IAC 3-5-7 International child placing agencies (Repealed)

Sec. 7. (Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)

470 IAC 3-5-8 Definition of runaway children program (Repealed)

Sec. 8. (Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)

470 IAC 3-5-9 Eligibility of runaway children, noneligibility (Repealed)

Sec. 9. (Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)

470 IAC 3-5-10 Limitation on services for runaway children; available services (Repealed)

Sec. 10. (Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)

470 IAC 3-5-11 Return of eligible runaways; court authorization (Repealed)

Sec. 11. (Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)

470 IAC 3-5-12 Regular access authority to the child welfare-social services division personal information system

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6; IC 4-21.5; IC 12-14-22

Sec. 12. Regular Access Authority to the Indiana State Department of Public Welfare, Child Welfare-Social Services Division Personal Information System. The following individuals have regular access authority to the information contained in the personal information systems maintained by the Indiana state department of public welfare in the office of the child welfare-social services division, subject to the confidentiality requirements set forth in state department regulation 1-201 [470 IAC 1-3-1]:

- (1) Employees of the Indiana state department of public welfare.
- (2) Employees of the county welfare departments of the state of Indiana.
- (3) Employees of agencies in other states which have been given the responsibility of administering the child welfare-social services program in that state pursuant to a state plan which has been approved by the Department of Health, Education, and Welfare.
- (4) Judges and court officials.
- (5) County clerks and their staff who are charged by law with responsibility for certain records.
- (6) All officials and their staff who are charged by law with the responsibility for investigation and pursuing criminal and/or civil prosecution.
- (7) Any other individual, agency or official who is connected with the administration plan or program approved under parts A, B, C, or D of title IV or under titles II, X, XIV, XVI, XIX, or XX of the federal Social Security Act; or the supplemental

security income program established under title XVI of the federal Social Security Act; or any other federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need.

Access to adoption records is governed by the provisions of IC 31-3-1-5 [IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.] and IC 31-3-1-12 [IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.].

45 CFR 205.50

IC 4-1-6-1

IC 4-1-6-2

IC 12-1-2-2(c) [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-3(f) [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-10-2 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-3-4.1-3 [Repealed by P.L.135-1978, SECTION 4.]

IC 31-3-1-5 [IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]

IC 31-3-1-12 [IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]

IC 31-5-7-8 [Repealed by P.L.136-1978, SECTION 57.]

IC 31-5-7-15 [Repealed by P.L.136-1978, SECTION 57.] (Division of Family and Children; Title 3, Ch 5, Reg 3-599; filed Nov 14, 1977, 9:00 am: Rules and Regs. 1978, p. 754; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-5-13 Agency action in child welfare services; denial or exclusion; agency action on special service to unwed parents and runaway children (Expired)

Sec. 13. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 3-5-14 Appeals; child welfare services; fair hearing (Repealed)

Sec. 14. (Repealed by Division of Family and Children; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987)

Rule 5.1. Interstate and Intercountry Child Placing Regulations

470 IAC 3-5.1-1 Interstate compact on the placement of children

Authority: IC 12-13-5-3

Affected: IC 12-17-8

Sec. 1. (a) Definitions as used in 470 IAC 3-5.1:

(1) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(2) "Sending agency" means a party state, or officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(3) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(4) "Placement" means the arrangement for the care of a child by an individual in a free home, in a boarding home, or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

(b) Placements requiring state department of public welfare (SDPW) approval. The following interstate placements must be approved by the SDPW:

(1) Child in the custody of an out-of-state court or agency placed in Indiana in an adoptive home, a foster home licensed by the SDPW, a parent or relative home or a child caring facility, licensed by the SDPW.

(2) Child in the custody of an out-of-state court or agency moving to Indiana with an adoptive family prior to legal finalization of the adoption.

(3) Child in the custody of an out-of-state court or agency moving to Indiana with a parent, guardian or relative or foster family.

(4) Child not in the custody of an out-of-state court or agency placed in an adoptive home in Indiana.

(c) SDPW prior approval. The SDPW must give prior approval before placement of such a child from another state is made.

This approval is based on:

(1) Review by the SDPW of a current home study of the proposed foster, adoptive or relative home by an Indiana county department of public welfare (CDPW) or licensed, child placing agency (LCPA).

(2) Review by the SDPW and CDPW or LCPA of social, medical and legal information on the child(ren) to be placed provided by an out of state child placing agency licensed, approved or authorized by the sending state.

(i) If the child is to be adopted in Indiana legal information must include verification the child is legally free for adoption.

(ii) In the case of non-agency sponsored adoptive placements the social, medical and legal information shall be provided by the child's legal guardian.

(3) ICPC 100A's (INTERSTATE COMPACT APPLICATION REQUEST TO PLACE A CHILD) completed by the sending court or agency and signed by the sending state interstate compact on placement of children (ICPC) administrator.

In the case of non-agency sponsored adoptive placements there shall be a guardian for the child appointed by a court in the sending state. This guardian may be any competent adult other than either birth parent or either adoptive parent. This guardian shall be a full guardian of the person, willing and able to assume full financial responsibility for the child should the child not be legally adopted in Indiana, including returning the child to the sending state. (*Division of Family and Children; 470 IAC 3-5.1-1; filed Sep 15, 1986, 9:45 am; 10 IR 223; errata, 10 IR 887; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-5.1-2 Intercountry placement regulations

Authority: IC 12-13-5-3

Affected: IC 12-17-8

Sec. 2. (a) Approval of international child placing agencies. Any international child placing agency which desires to place foreign born children in Indiana must have the prior approval of the state department of public welfare (SDPW). This approval is based upon:

(1) written verification said agency is currently licensed as a child placing agency by the state in which it operates; and

(2) written verification that all placements made by said agency will comply with the interstate compact on the placement of children (ICPC) and the laws and regulations of Indiana.

(b) SDPW prior approval. The following placements of foreign born children in Indiana must be approved by the SDPW:

(1) children placed for adoption by licensed child placing agencies;

(2) non-agency sponsored adoptive placements;

(3) children placed in Indiana for purposes of receiving medical care;

(i) such placements must be made by the person or agency with legal custody of the child;

(ii) such placements shall be made into licensed boarding homes only.

(c) Pre-adoption requirements. The SDPW must give prior approval before a foreign born child may be placed in an adoptive home in Indiana. This approval is based on:

(1) Review by the SDPW of a current, favorable adoptive home study provided by an Indiana county department of public welfare (CDPW) or licensed child placing agency (LCPA).

If the adoptive family currently resides outside the United States the SDPW shall have the discretion to approve the person or agency completing the adoptive home study.

(2) Review by the SDPW and the Indiana CDPW or LCPA sponsoring the adoption of social, medical and legal information on the child(ren) to be placed provided by the licensed, approved or authorized international child placing agency legally responsible for the child.

If the child is not in the legal custody of a United States based child placing agency, this information shall be provided by the agency or person in the child's country of residence with legal custody of the child.

(3) ICPC 100A's (INTERSTATE COMPACT APPLICATION REQUEST TO PLACE A CHILD) completed by the sending agency and signed by the sending state ICPC administrator.

In the case of a non-agency adoptive placement, the adoptive family must provide proof of financial liability for the child. This financial liability shall be an agreement between the adoptive family and the Indiana CDPW or LCPA sponsoring the adoption in a form and amount determined by the Indiana CDPW or LCPA. A copy of this financial liability must be provided the SDPW.

Placement of child(ren) into Indiana legally adopted in the country prior to entry into Indiana do not require SDPW approval.

Placement of foreign born children with relatives (parent, grandparent, adult brother or sister and adult aunt or uncle) does not require SDPW approval. (*Division of Family and Children; 470 IAC 3-5.1-2; filed Sep 15, 1986, 9:45 am: 10 IR 224; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 5.3. Interstate Compacts on Adoption and Medical Assistance

470 IAC 3-5.3-1 Interstate compact on adoption and medical assistance

Authority: IC 12-13-5-3

Affected: IC 31-3-5-1

Sec. 1. The state department of public welfare shall enter into an interstate compact, on adoption and medical assistance, hereinafter referred to as the compact, to provide procedures for adoption and medical assistance for interstate children. The compact shall comply with the regulation contained in this rule and IC 31-3-5 [*IC 31-3 was repealed by P.L. 1-1997, SECTION 157, effective July 1, 1997.*]. This rule shall apply to all interstate adoption assistance agreements. (*Division of Family and Children; 470 IAC 3-5.3-1; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-5.3-2 Definitions

Authority: IC 12-13-5-3

Affected: IC 31-3-5-1

Sec. 2. (a) As used in this rule, "adoption assistance" means the payment or payments for the maintenance of a child which are made or committed to be made pursuant to the adoption assistance program established by the laws of a party state.

(b) As used in this rule, "adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(c) As used in this rule, "child with special needs" has the meaning set forth in 470 IAC 3-10-2.

(d) As used in this rule, "department" means the state department of public welfare.

(e) As used in this rule, "parents" means either the singular or plural of the word "parent".

(f) As used in this rule, "residence state" means the state in which the child is a resident by virtue of the residence of the adoptive parents.

(g) As used in this rule, "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States. (*Division of Family and Children; 470 IAC 3-5.3-2; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-5.3-3 Adoption assistance

Authority: IC 12-13-5-3

Affected: IC 31-3-5

Sec. 3. (a) The department shall determine the amounts of adoption assistance and other aid which it will give to children with special needs and their adoptive parents in accordance with its own laws and programs.

(b) The adoption assistance, medical assistance, and other services and benefits to which this rule applies are those provided to children with special needs and their adoptive parents from the effective date of the adoption assistance agreement.

(c) Every case of adoption assistance shall include a written adoption assistance agreement between the adoptive parents and the appropriate agency of the state undertaking to provide the adoption assistance. Every such agreement shall contain provisions for the fixing of actual or potential interstate aspects of the assistance so provided as follows:

(1) An express commitment that the assistance so provided shall be payable without regard for the state of residence of the adoptive parents, both at the outset of the agreement period and at all times during its continuance.

(2) A provision setting forth with particularity the types of care and services toward which the adoption assistance state will make payments.

(3) A commitment to make medical assistance available to the child in accordance with section 4 of this rule.

(4) An express declaration that the agreement is for the benefit of the child, the adoptive parents, and the state and that it is enforceable by any or all of them.

(5) The date or dates upon which each payment or other benefit provided thereunder is to commence, but in no event prior to the effective date of the adoption assistance agreement.

(d) Any services or benefits provided for a child by the residence state and the adoption assistance state may be facilitated by the party states on each other's behalf. The personnel of the child welfare agencies of the party states will assist each other, as well as the beneficiaries of adoption assistance agreements, in assuring prompt and full access to all benefits expressly included in such agreements. It is further recognized and agreed that, in general, all children to whom adoption assistance agreements apply will be eligible for benefits under the child welfare, education, rehabilitation, mental health, and other programs of their state of residence on the same basis as other resident children.

(e) Adoption assistance payments on behalf of a child in another state shall be made on the same basis and in the same amounts as they would be made if the child were living in the state making the payments, except that the laws of the adoption assistance state may provide for the payment of higher amounts. (*Division of Family and Children; 470 IAC 3-5.3-3; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-5.3-4 Medical assistance

Authority: IC 12-13-5-3

Affected: IC 31-3-5

Sec. 4. (a) Children for whom a party state is committed, in accordance with the terms of an adoption assistance agreement, to provide federally aided medical assistance under Title XIX of the Social Security Act, are eligible for such medical assistance during the entire period for which the agreement is in effect. Upon application therefor, the adoptive parents of a child who is the subject of such an adoption assistance agreement shall receive a medical assistance identification document made out in the child's name. The identification shall be issued by the medical assistance program of the residence state and shall entitle the child to the same benefits, pursuant to the same procedures, as any other child who is covered by the medical assistance program in that state, whether or not the adoptive parents are themselves eligible for medical assistance.

(b) The identification document shall bear no indication that an adoption assistance agreement with another state is the basis for its issuance. However, if the identification is issued pursuant to such an adoption assistance agreement, the records of the issuing state and the adoption assistance state shall show the fact, and shall contain a copy of the adoption assistance agreement and any amendment or replacement thereof, as well as all other pertinent information. The adoption assistance and medical assistance programs of the adoption assistance state shall be notified of the issuance of such identification.

(c) A state which has issued a medical assistance identification document pursuant to this rule, which identification is valid and currently in force, shall accept, process, and pay medical assistance claims thereon as it would with any other medical assistance claims by eligible residents.

(d) The federally aided medical assistance provided by a party state pursuant to this rule shall be in accordance with subsections (a) through (c). When a child who is covered by an adoption assistance agreement is living in another party state, payment or reimbursement for any medical services and benefits specified under the terms of the adoption assistance agreement, which are not available to the child under the Title XIX medical assistance program of the residence state, shall be made by the adoption assistance state as required by its law. Any payments so provided shall be of the same kind and at the same rates as provided for children who are living in the adoption assistance state. However, where the payment rate authorized for a covered service under the medical assistance program of the adoption assistance state exceeds the rate authorized by the residence state for that service, the adoption assistance state shall not be required to pay the additional amounts for the services or benefits covered by the residence state.

(e) A child referred to in subsection (a), whose residence is changed from one (1) party state to another party state, shall be eligible for federally aided medical assistance under the medical assistance program of the new state of residence.

(f) Medical assistance shall be provided consistent with federal law. Services and benefits shall not be reimbursed for any amount covered under any insurance or other third party medical contract or arrangement held by the child or adoptive parents. (*Division of Family and Children; 470 IAC 3-5.3-4; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-5.3-5 Compact administration

Authority: IC 12-13-5-3

Affected: IC 31-3-5

Sec. 5. (a) The department, by its administrator, shall designate a compact administrator and such deputy compact administrators as it deems necessary. The compact administrator shall coordinate all activities under this compact within his or her state. The compact administrator shall also be the principal contact for officials and agencies within and without the state for the facilitation of interstate relations involving this compact and the protection of benefits and services provided pursuant thereto. In this capacity, the compact administrator will be responsible for assisting child welfare agency personnel from other party states and adoptive families receiving adoption and medical assistance on an interstate basis.

(b) Acting jointly, the compact administrators shall develop uniform forms and administrative procedures for the interstate monitoring and delivery of adoption and medical assistance benefits and services pursuant to this rule. The forms and procedures so developed may deal with such matters as follows:

(1) Documentation of continuing adoption assistance eligibility.

(2) Interstate payments and reimbursements.

(3) Any and all other matters arising pursuant to this compact.

(c) Some or all of the parties to this compact may enter into supplementary agreements for the provision of, or payment for, additional medical benefits and services under section 4(d) of this rule; for interstate service delivery under section 3(d) of this rule; or for matters related thereto. Such agreements shall not be inconsistent with this rule, nor shall they relieve the party states of any obligation to provide adoption and medical assistance in accordance with applicable state and federal law and the terms of this rule. Administrative procedures or forms implementing the supplementary agreements referred to in this subsection may be developed by joint action of the compact administrators of those states which are party to such supplementary agreements.

(d) It shall be the responsibility of the compact administrator to ascertain whether and to what extent additional legislation may be necessary in his or her own state to carry out the provisions of this section, section 3 of this rule, or any supplementary agreements under this rule.

(e) The compact administrator shall establish a procedure to annually monitor interstate adoption assistance agreements to determine continuing eligibility. (*Division of Family and Children; 470 IAC 3-5.3-5; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 6. Licensing of Children's Homes Defined as Group Homes (Repealed)

(*Repealed by Division of Family and Children; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045*)

Rule 7. Release of Information to Individuals Engaged in Research Projects on Child Abuse

470 IAC 3-7-1 Release of information to individuals engaged in research projects on child abuse; written request; good faith research project; qualifying individual

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6-8.6

Sec. 1. Under the provisions of IC 31-5.5-3-18 [*Repealed by Acts 1979, P.L.276, SECTION 60.*] upon the receipt of a written request the county department of public welfare or a local child protection service shall disclose to any qualifying individual engaged in a good faith research project information of a general nature concerning child abuse or other statistical or social data used in connection with studies, reports, or surveys on child abuse or information related to the function and activities of that department or the child protection team in the field of child abuse if the information to be released does not identify or reasonably tend to identify alleged abusers or the parties alleged to have been abused.

Upon approval of the completed State Department of Public Welfare Form 116, "Application for Child Abuse Research," the Administrator of the State Department shall authorize the appropriate county department to disclose copies of materials from case records to a qualifying individual engaged in a good faith research project if in the opinion of the Administrator the copies to be released do not identify or reasonably tend to identify the parties involved in the case and the information is not the subject of pending litigation.

A "good faith research project" as used in this regulation shall consist of research conducted for and to be utilized for the

purpose of furthering the aims of child abuse prevention or furthering the aim of providing better social, psychological or medical treatment to the victims and the perpetrators of child abuse.

A "qualifying individual" as used in this regulation shall include a bona fide professional, or a bona fide student at an accredited college or university who is practicing or majoring in certain academic areas which have an interest in child welfare. Examples include but are not limited to the fields of sociology, psychology, law, criminology, health education, medicine and child development.

IC 12-1-2-2 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-3 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 31-5.5-3-18 [Repealed by Acts 1979, P.L.276, SECTION 60.] (Division of Family and Children; Reg 3-512; filed Oct 10, 1979, 3:21 pm; 2 IR 1565; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 8. Confidentiality of Reports or Other Information Concerning Child Abuse or Neglect

470 IAC 3-8-1 Confidentiality of all reports and information concerning child abuse or neglect; release upon written request (Expired)

Sec. 1. (Expired under IC 4-22-2.5, effective January 1, 2002.)

Rule 9. Adoption Assistance; Foster Care Assistance; Incorporations by Reference, Titles IV(B) and (E) of the Social Security Act

470 IAC 3-9-1 Public Law 96-272; acceptance

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 31-3-1

Sec. 1. Acceptance of P.L.96-272 Provisions. The State of Indiana hereby accepts the provisions of Federal Law 96-272, the "Adoption Assistance and Child Welfare Act of 1980" and all federal rules and regulations hereinafter promulgated thereunder.

IC 12-1-2-3 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-9 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Division of Family and Children; 470 IAC 3-9-1; filed Jun 17, 1982, 4:13 pm; 5 IR 1603; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-9-2 Goal; maximum duration of foster care period before placement

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 31-3-1

Sec. 2. (a) Federal legislation requires each state to establish foster care goals for each fiscal year. These goals pertain to the number of children receiving Title IV(E)-Foster Care Assistance who will remain in foster care for more than two (2) years as compared to the total number of children receiving Title IV(E)-Foster Care. This relationship is a percentage.

(b) The percentage of children receiving Title IV(E)-Foster Care Assistance, pursuant to 42 U.S.C. 670, et seq., who will remain in foster care in excess of twenty-four (24) months commencing with the federal fiscal year beginning October 1, 1988, shall be twenty-two percent (22%). For each subsequent federal fiscal year until September 30, 1993, this percentage shall be further reduced annually by three-tenths of one percent (.3%). (Division of Family and Children; 470 IAC 3-9-2; filed Jul 27, 1982, 3:43 p.m.: 5 IR 1826; filed Aug 26, 1983, 2:30 p.m.: 6 IR 1904; filed Sep 15, 1986, 9:45 a.m.: 10 IR 222; filed Dec 15, 1989, 11:45 a.m.: 13 IR 878; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-9-3 Case plan and case review

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 31-3-1

Sec. 3. (a) A case plan, case review and statewide information (tracking) system, as defined and required by the Adoption

Assistance and Child Welfare Act of 1980, 42 U.S.C. 670, et seq., shall be required for all children in a substitute care placement under the court-authorized supervision of the county welfare departments. Such case plans, case reviews and statewide information (tracking) system is also to be implemented for all county departments of public welfare wards remaining in their own homes.

(b) That the above-incorporation by reference of 42 U.S.C. 670, et seq. does not include any subsequent amendments or editions thereto.

IC 12-1-3(c) [IC 12-1 was repealed by P.L. 2-1992, SECTION 897, effective February 14, 1992.] (Division of Family and Children; 470 IAC 3-9-3; filed Apr 11, 1983, 10:32 am: 6 IR 916; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 10. Foster Care and Adoption Assistance Program

470 IAC 3-10-1 Adoption assistance agreement; renewal; modifications; terminations

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 31-3-3

Sec. 1. (a) As used in this section, "adoption assistance agreement" means a written agreement, binding on the parties to the agreement, among the county department of public welfare, other relevant agencies, and the prospective adoptive parent or parents of a minor child which at a minimum does the following:

(1) Specifies the nature and amount of any payments, services, and assistance to be provided under such agreement.

(2) Stipulates that the agreement shall remain in effect regardless of the state of which the adoptive parent or parents are residents at any given time.

(b) The adoption assistance agreement shall be signed by the county director of public welfare. The adoption assistance agreement may be reviewed at the request of the adoptive parent or parents or the county department of public welfare.

(c) The adoption assistance agreement may be renewed with any adjustment that the circumstances may warrant.

(d) The adoption assistance agreement may be modified, amended, rescinded, or canceled at any time by mutual agreement in writing.

(e) The adoptive parent or parents shall notify the county department of public welfare or ensure that the county department of public welfare is notified, in writing, when:

(1) the adoptive parent or parents are no longer legally responsible for the support of the child;

(2) the child no longer receives financial support from the adoptive parent or parents; or

(3) there is any change in the family's or child's circumstances which would render the child ineligible or eligible for assistance payments in a different amount.

(f) The adoption assistance agreement shall terminate upon fulfillment of the terms of the agreement or when the county department of public welfare determines that:

(1) the child has attained the age of eighteen (18) or, where the county department of public welfare determines the child has a mental or physical handicap which warrants continuation of assistance, the age of twenty-one (21);

(2) the adoptive parent or parents are no longer legally responsible for the support of the child; or

(3) the child is no longer receiving any support from the adoptive parent or parents.

(Division of Family and Children; Title 3, Ch 7, Reg 3-704; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2224; filed Aug 26, 1987, 11:00 a.m.: 11 IR 82; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2228; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)

470 IAC 3-10-2 Special needs child; criteria

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 31-19-11; IC 31-19-27; IC 31-19-28; IC 31-35

Sec. 2. A child shall be considered to be a special needs child, under the Indiana adoption assistance program, if the child meets each of the following criteria:

(1) The county office of family and children has determined that the child cannot or should not be returned to the home of the child's parent or parents and that the parent or parents have signed or will sign a consent to adoption regarding the child or that parental rights have been or will be terminated by a court in accordance with IC 31-35.

(2) One (1) of the following conditions exists:

- (A) The child is two (2) years of age or older.
 - (B) The child is a member of a sibling group of two (2) or more children of which at least one (1) is two (2) years of age or older and who will be placed with the sibling group in the same home.
 - (C) The child has a medical condition or physical, mental, or emotional disability as determined by a physician licensed to practice in Indiana or another state or territory.
- (3) Reasonable but unsuccessful efforts must be made to place the child in an appropriate adoptive home without providing adoption assistance. Reasonable efforts include, but are not limited to, the following:
- (A) Photo listing the child with the Indiana adoption resource exchange for a minimum of six (6) months.
 - (B) Inability to recruit appropriate, interested adoptive parent or parents who are able to meet the child's needs without the use of adoption assistance.

Reasonable efforts need not be made to place the child without adoption assistance if to do so would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.

(Division of Family and Children; Title 3, Ch 7, Reg 3-705; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2224; filed Aug 26, 1987, 11:00 a.m.: 11 IR 83; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2229; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 189)

470 IAC 3-10-3 Adoption assistance payments

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 31-19

Sec. 3. (a) The amount of the adoption assistance shall not exceed the minimum per diem paid by any county department of public welfare in Indiana or seventy-five percent (75%) of the per diem paid by the placing county department of public welfare, whichever is greater.

(b) In the instance of a child placed under the custody of a local county welfare department, the per diem amount used to compute the payment shall be the foster home care per diem established by the county in which the department is located.

(c) If the eligible child is placed adoptively by a licensed child placing agency or through an independent adoptive placement, the foster home care per diem established by the county in which the child is adoptively placed shall be used to compute the payment. If the child is placed out-of-state in an adoptive home by a licensed child placing agency, the foster home care per diem established by the county where the placing agency is located shall be used.

(d) All applications for adoption assistance shall be acted upon by the county director of public welfare within forty-five (45) days from the date of application unless there are unusual or extenuating circumstances. If a child is eligible, financial assistance shall become effective no later than thirty (30) days from the date of application or as soon as the agreement for adoption assistance has been signed and the child is placed in the adoptive home unless there are unusual and extenuating circumstances. All monetary awards shall be due and payable on the first day of the month following the placement of the child in the adoptive home or date of the final decree of adoption. Payment shall be within the maximums as set out in this rule provided an adoption assistance agreement has been signed by the county director and the adopting parent or parents at the time the child is placed in the adoptive home but prior to the final decree of adoption.

(e) The effective date of adoption assistance payments shall not be prior to October 1, 1982.

(f) Adoption assistance payments shall not be made for a child whose adoption was legally finalized prior to October 1, 1982.
(Division of Family and Children; Title 3, Ch 7, Reg 3-706; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2225; filed Aug 26, 1987, 11:00 a.m.: 11 IR 84; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2229; errata filed Sep 25, 1991, 9:00 a.m.: 15 IR 110; filed Jul 28, 1997, 1:25 p.m.: 20 IR 3365; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)

470 IAC 3-10-4 Title IVE; appeals (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987)*

470 IAC 3-10-5 Title IVE; medicaid: adoption assistance program, foster care

Authority: IC 12-13-5-3

Affected: IC 31-3-3

Sec. 5. (a) Medicaid eligibility for the adoption assistance child shall become effective from the date of application.

(b) Medicaid services shall not be interrupted for the child who is a recipient of AFDC at the time of placement and found eligible for Title IVE-FC payments. The Medicaid effective date for the child who is a non-recipient of AFDC at the time of placement shall be the same as the effective date of the Title IVE-FC award.

(c) Under the Title IVE-FC program, the child age 18 to 21 shall not be eligible for Medicaid.

IC 12-1-2-3 [IC 12-1 was repealed by P.L.2-1992, SECTION 987, effective February 14, 1992.]

IC 12-1-2-9 [IC 12-1 was repealed by P.L.2-1992, SECTION 987, effective February 14, 1992.]

Federal Public Law 96-272 (Division of Family and Children; Title 3, Ch 7, Reg 3-708; filed Aug 31, 1982, 1:37 pm: 5 IR 2226; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)

470 IAC 3-10-6 Title IVE; foster care eligibility

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 6. (a) As used in this section, "appropriate local agency" means an Indiana county department of public welfare or its counterpart in another state which is responsible for foster home evaluations for licensure or for studies of homes of nonlegally liable relatives for approval.

(b) As used in this section, "appropriate state agency" means the Indiana state department of public welfare or its counterpart in another state which administers the licensure procedure for residential foster care facilities or foster homes.

(c) As used in this section, "approved home" means the home of a nonlegally liable relative of a IVE-Foster Care child which is evaluated using foster home standards but which is not licensed.

(d) As used in this section, "relative" means a nonlegally liable relative, not a parent, of the relationship found in 42 U.S.C. 606(c).

(e) For purposes of administration of foster care assistance (Title IVE-FC), a child to be eligible for such assistance shall meet the definition of a dependent child under 42 U.S.C. 606(a) or in 42 U.S.C. 607.

(f) A home of other than a relative listed in 42 U.S.C. 606(c) in which a dependent child is living shall be construed to mean a foster family home or nonprofit private child caring institution, or public child caring institution with a capacity for twenty-five (25) or less children licensed by the appropriate state agency as meeting the standards as established for such homes and institutions under IC 12-3-2 [IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] or the comparable law or regulation of those states into which an Indiana child is placed.

(g) Title IVE-FC funds may be used to purchase foster care provided to eligible children in an approved home of a nonlegally liable relative. For such approval, the home must be studied as a foster home by the appropriate local agency or by a private child placing agency licensed by the state.

(h) To receive Title IVE-FC assistance, an otherwise eligible child shall meet the following requirements:

(1) Have been removed from the home of a relative as specified in 42 U.S.C. 606(c) as a result of a decision made by a court having juvenile jurisdiction.

(2) Have received assistance to families with dependent children under the Aid to Families with Dependent Children (AFDC) or Aid to Families with Dependent Children – Unemployed/Underemployed Parent (AFDC-UP) programs in or for the month in which the court action was initiated or would have received such assistance had application been made for the child.

(3) Be a child who:

(A) was not removed from the home of a relative specified in 42 U.S.C. 606(c), but who had lived with the relative within six (6) months prior to the month in which the court action to remove the child was initiated; and

(B) would have been eligible for assistance to families with dependent children under the AFDC or AFDC-UP program in the relative's home had the relative made application for the child in the month the court action was initiated.

(i) Children who are adjudicated delinquent and meet other Title IVE-FC requirements are eligible for Title IVE-FC payments if the children are not placed in a detention facility, forestry camp, training school, or any other facility operated primarily for the detention of children who are adjudicated to be delinquent.

(j) Deprivation requirements for AFDC children as set out in 42 U.S.C. 606(a) or 42 U.S.C. 607 shall also be met by Title IVE-FC eligible children. The assessment of whether deprivation exists or continues to exist will be made by considering the situation in the home from which the foster care child was removed.

(k) Continuing eligibility of all Title IVE-FC cases shall be redetermined and a home visit made to the child's approved or

licensed foster care facility at least once every six (6) months and more often if necessary.

(l) Children age eighteen (18) or older are ineligible for Title IVE-FC payments.

(m) Children placed in nursing homes are ineligible to receive Title IVE-FC funding while in such placement. (*Division of Family and Children; Title 3, Ch 7, Reg 3-720; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2226; filed Mar 1, 1984, 2:31 p.m.: 7 IR 993, eff Apr 1, 1984; filed Aug 26, 1987, 11:00 a.m.: 11 IR 84; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2230; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202*)

470 IAC 3-10-7 Title IVE; foster care assistance payments

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 31-3-3

Sec. 7. (a) The maximum amount of foster care assistance (Title IVE-FC) payments shall be established by the state department of public welfare based upon the costs allowed for "foster care maintenance payments" as defined at 42 U.S.C. 675(4).

(b) The effective date of the initial Title IVE-FC award shall be no earlier than the date of application. Payment shall not be made retroactively. Payment will be made to the foster care facility as soon following placement as payment procedures will permit.

(c) Title IVE-FC funds shall be paid for the eligible child who has been made a ward of the county department of public welfare but placed under the supervision of a licensed child placing agency or probation department by court order provided regular reports are made to the county department by the probation department or licensed child placing agency as agreed upon by the agency and the county department.

(d) The initial determination of financial need of the Title IVE-FC child shall be based upon the following two (2) factors:

(1) The circumstances in the home from which the child was removed during the month in which the court wardship detention hearing or child in need of services (CHINS) adjudication process was initiated.

(2) The circumstances of the child in the current foster placement.

(e) In the determination of continuing eligibility for Title IVE-FC, financial need is based upon any available income in the child's own right. (*Division of Family and Children; Title 3, Ch 7, Reg 3-721; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2227; filed Aug 26, 1987, 11:00 a.m.: 11 IR 86; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2231; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202*)

470 IAC 3-10-8 AFDC regulations applicable to foster care assistance

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 31-3-3

Sec. 8. The Title IVE-FC program will abide by the following regulations pertaining to the AFDC program:

470 IAC 2-1-16–	Regular Access Authority to the Department Public Assistance Division Personal Information System
470 IAC 2-4-12 [<i>470 IAC 2-4-12 was repealed filed Mar 23, 2000, 4:57 p.m.: 23 IR 1999.</i>]–	Replacement of Lost or Stolen AFDC Warrants
470 IAC 2.1-1-1–	Definitions
470 IAC 2.1-2-1–	Payment for Examinations
470 IAC 2.1-3-1–	Release of Information from County Department Public Assistance Case Records
470 IAC 10.1-1-1–(a) through (k)	Definitions
470 IAC 10.1-1-2–(b), (c)	Applicant and Recipient Responsibilities
470 IAC 10.1-1-3–	Date of Application
470 IAC 10.1-2-1–	Determination of Incapacity
470 IAC 10.1-3-1–	Real and Personal Property Ownership
470 IAC 10.1-3-4–(a), (b), (c), (d), (f)	Determination; Countable Income
470 IAC 10.1-3-5–(1)	Good Cause for Terminating Employment, Reducing Earnings, or Refusing a Bona Fide Offer of Employment

470 IAC 10.1-5-1—

Payment of Assistance

470 IAC 10.1-6-1—

Payment of Burial Expenses

IC 12-1-2-3 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-9 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

42 USC 670 (Division of Family and Children; Title 3, Ch 7, Reg 3-720; filed Aug 31, 1982, 1:37 pm: 5 IR 2228; filed Mar 1, 1984, 2:31 pm: 7 IR 994, eff Apr 1, 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)

Rule 10.5. Assisted Guardianship Program

470 IAC 3-10.5-1 Definitions

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-7-2-162.5; IC 12-9-6; IC 12-13-1-1; IC 12-14-28-1; IC 12-17-3; IC 12-19-1-1; IC 12-19-1-2; IC 29-3-1-6; IC 31-9-2-117; IC 31-34-21-7; IC 31-34-21-7.5

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Child" means a minor child as defined in 42 U.S.C. 619(2).

(c) "County director" means the director of a county office appointed under IC 12-19-1-2.

(d) "County office" means a county office of family and children established under IC 12-19-1-1 that currently has, or previously had, supervisory authority concerning a child who is or has been a child in need of services under IC 31-34 and who is or may be eligible for assistance under this rule.

(e) "Division" means the division of family and children established by IC 12-13-1-1.

(f) "Family" means a residential household in which a child resides with an adult caretaker relative.

(g) "Guardian" means:

(1) a person described in IC 29-3-1-6 who has been appointed and is acting as guardian for a child; or

(2) a person who meets the conditions and requirements of section 3 of this rule, as determined by the county office.

(h) "Guardianship assistance agreement" means a written agreement signed by a guardian and county director, in a form prescribed by the division, that provides for monthly assistance payments to the guardian on behalf of a child, under the terms and provisions of this rule.

(i) "Permanency plan" means a plan described in IC 31-34-21-7.5 for a child who is a child in need of services that has been approved by a juvenile court pursuant to IC 31-34-21-7.

(j) "Relative" means a person who has a relationship to a child described in IC 12-7-2-162.5, other than a parent. For purposes of this rule, a grandparent may also include a great-grandparent.

(k) "Seriously disabled" means a condition that meets the requirements of 42 U.S.C. § 1382c(a) and 20 CFR 416.901 et seq., for determining blindness or disability as a condition to eligibility for benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1382 et seq. The county office may request assistance from the disability determination bureau established under IC 12-9-6 in determining whether a child is seriously disabled.

(l) "Shelter care facility" means a facility described in IC 31-9-2-117.

(m) "TANF" means financial assistance to eligible recipients that the division provides, or is authorized to provide pursuant to IC 12-14-28 or any applicable provision of the plan submitted to and accepted by the United States Department of Health and Human Services, from funds available to the division through Title IV-A of the Social Security Act, 42 U.S.C. § 601 et seq. (Division of Family and Children; 470 IAC 3-10.5-1; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2426; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-10.5-2 Eligibility of child

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-28; IC 12-17-3; IC 31-34-11-2; IC 31-34-20-1; IC 31-34-21-7; IC 31-34-21-7.5

Sec. 2. A child who meets all the following criteria shall be eligible for assistance under this rule:

(1) The child is either:

- (A) not less than thirteen (13) years of age;
- (B) a member of a sibling group at least one (1) of whom is not less than thirteen (13) years of age;
- (C) seriously disabled; or
- (D) approved for legal guardianship as a permanency plan by an order entered by a juvenile court having jurisdiction over the child, if the order finds and states compelling reasons for selecting guardianship as the preferred choice among available permanency plan options.

- (2) The child must be residing in the household of an adult caretaker relative of the child.
- (3) The gross family income attributable to the child under TANF rules and guidelines must be less than two hundred fifty percent (250%) of the federal poverty level.
- (4) The child must have been adjudicated a child in need of services by a juvenile court in Indiana pursuant to IC 31-34-11-2.
- (5) The child must have been removed from the child's home and placed in another home or shelter care facility, under supervision of a county office, pursuant to a dispositional decree entered under IC 31-34-20-1.
- (6) The child must be residing with a guardian who meets the eligibility requirements specified in section 3 of this rule.
- (7) The child must have resided with the guardian in the guardian's home for a continuous period of time not less than six (6) months.
- (8) The permanency plan for the child approved by the juvenile court pursuant to IC 31-34-21-7 is appointment of a legal guardian for the child, as provided in IC 31-34-21-7.5(1)(E).

(Division of Family and Children; 470 IAC 3-10.5-2; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-10.5-3 Eligibility of guardian

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-28; IC 12-17-3; IC 12-17.4-4; IC 31-34-21-7.5

Sec. 3. A guardian who meets all the following criteria shall be eligible to receive assistance on behalf of a child who is eligible for assistance under section 2 of this rule:

- (1) The guardian must be a relative of the child.
- (2) The guardian must reside in a home that meets all requirements for licensing as a foster family home under IC 12-17.4-4 and 470 IAC 3-1.
- (3) The eligible child must currently reside with the guardian in the home of the guardian.
- (4) The eligible child must have resided with the guardian in the guardian's home for a continuous period of time not less than six (6) months.
- (5) The guardian must be primarily responsible for providing for appropriate care, support, maintenance, education, and welfare of the child.
- (6) The guardian must meet each of the following criteria, as shown by a home study and evaluation of the guardian and child prepared or approved by a county office:

- (A) Have the current and projected continuing ability to provide for the child's physical, mental, emotional, educational, and psychological needs, upon termination of supervision of the child by the division or county office, except for provision of assistance approved under this rule.

- (B) Have the continuing ability, willingness, and motivation to access and obtain appropriate services outside the home that are necessary or appropriate for the health, education, development, and well-being of the child and that will assist the child in becoming a self-supporting adult to the maximum extent feasible.

- (C) Have established a nurturing, stable relationship with the child in which the child indicates a desire to continue a family relationship and residence with the guardian in the guardian's household.

- (D) Have demonstrated the ability to determine and regulate an appropriate level of relationship and ongoing contacts with any parent or other close relative of the child, consistent with the safety and best interests of the child, and in conformance with any plan of visitation ordered or approved by the court in the child in need of services proceeding.

(Division of Family and Children; 470 IAC 3-10.5-3; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-10.5-4 Guardianship procedures

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 12-17-3; IC 29-3-5-1; IC 29-3-6-1; IC 31-34-21-7.5

Sec. 4. (a) If the guardian has not previously established a legal guardianship for the child under IC 29-3, the county office having jurisdiction over the child will refer the prospective guardian to the attorney for the county office for the purpose of assisting the guardian in establishing a legal guardianship of the child's person that satisfies all requirements of IC 29-3 and IC 31-34-21-7.5(1)(E).

(b) If the county office has determined that the child and guardian meet all eligibility requirements for assistance as specified in sections 2 and 3 of this rule, the county office may, with the approval of the county director, file a petition under IC 29-3-5-1 for appointment of the guardian as a legal guardian of the child under IC 29-3. The county office may pay all or any designated portion of the legal costs and other expenses of the guardianship proceeding, including the services of the attorney for the county office, reasonably incurred by or on behalf of the guardian in order to establish and maintain the legal guardianship.

(c) The county office shall solicit consent of any parent of the child for establishment of a legal guardianship with assistance provided under this rule, if the parent is identified and can be contacted with reasonable efforts. The county office will document and present to the court in the guardianship proceeding a written report of its efforts to solicit parental consent and the results of those efforts. Consent of an identified parent is not a necessary condition for assistance to a prospective guardian in establishing a legal guardianship, or for provision of financial or other assistance to a child and guardian in accordance with this rule.

(d) The county office shall give notice of the filing of a guardianship petition under this section and any hearing thereon in accordance with IC 29-3-6-1(3). (*Division of Family and Children; 470 IAC 3-10.5-4; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-5 Guardianship assistance payments

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-28; IC 12-19-7; IC 29-3-5; IC 31-34-21-7.5; IC 31-34-21-11

Sec. 5. (a) The division or county office will make monthly payments of financial assistance to a guardian eligible for assistance under section 3 of this rule, on behalf of a child eligible for assistance under section 2 of this rule, subject to all applicable conditions and limitations stated in this rule.

(b) The division or county office will determine the amount of monthly payments to an eligible guardian under subsection (a) based on the needs of the child as determined in accordance with applicable guidelines for financial assistance to families and children provided through TANF, not exceeding a monthly payment of five hundred twelve dollars (\$512) per child.

(c) An approved monthly payment will be payable to the eligible guardian beginning with the month immediately following the month in which the latest of the following events occurs:

(1) Closure by the juvenile court of the child in need of services case of the child for whom the assistance is payable, by order entered pursuant to IC 31-34-21-11 discharging the child.

(2) Appointment of the guardian as a legal guardian of the person of the child, by order entered pursuant to IC 29-3-5.

(d) The guardian shall apply for assistance under this rule to the county office having jurisdiction over the child in the form prescribed by the division. If the application is approved, the guardian and county director must sign a guardianship assistance agreement in the form prescribed by the division.

(e) The county office will review at least annually the eligibility of the guardian and child for continuation of monthly assistance payments. The guardian must provide to the county office any financial and other information requested for purposes of the annual review. The county office may, at the time of and as part of the annual review, redetermine the amount of future monthly assistance payments based on the information provided or obtained by the county office and the applicable TANF guidelines.

(f) The division may pay all or any portion of monthly assistance payments under this rule from funds available to the division through TANF. A county office may pay all or any portion of monthly assistance payments under this rule from the county family and children's fund established under IC 12-19-7, with approval of the division and conditioned on reimbursement of the family and children's fund from funds available to the division through TANF. (*Division of Family and Children; 470 IAC 3-10.5-5; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2428; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-6 Termination of guardianship assistance payments

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-28; IC 12-19-7; IC 31-19; IC 31-34-9; IC 31-34-21-7.5

Sec. 6. (a) The division or county office shall terminate any monthly assistance payment and guardianship assistance agreement approved under section 5 of this rule upon occurrence of any of the following events:

- (1) The child's attainment of age eighteen (18), except as provided in subsection (c).
- (2) Entry of a court order awarding legal custody of the child to a person other than the guardian.
- (3) Incarceration of the child in an adult correctional facility pursuant to a sentence and commitment order of a court of competent jurisdiction.
- (4) Detention of the child in a juvenile detention center for a period of time of not less than one hundred eighty (180) days, pursuant to an order of a juvenile court having jurisdiction of the child.
- (5) Entry of a dispositional decree in a child in need of services proceeding based on events occurring while the child is residing with the guardian and subsequent to the date of approval of the guardianship assistance agreement if the dispositional decree provides for removal of the child from the home of the guardian.
- (6) Death of the child.
- (7) Adoption of the child by the guardian or any other person under IC 31-19 or the adoption laws of any other state or county.
- (8) Termination of the legal guardianship by order of the court having jurisdiction in the guardianship proceeding.

(b) The division or county office may terminate any monthly assistance payment and guardianship assistance agreement approved under section 5 of this rule, upon occurrence of any of the following events:

- (1) The child is no longer residing in the home of the guardian.
- (2) The guardian has failed to submit to the county office the information required or requested by the county office for the annual review of eligibility and amount of the monthly assistance payment pursuant to section 5(e) of this rule.
- (3) The guardian is not providing financial assistance necessary or adequate for the support and maintenance of the child.
- (4) The guardian no longer satisfies one (1) or more of the criteria specified in section 3(6) of this rule.
- (5) The guardian has failed to maintain medical insurance coverage for the child as required by section 7 of this rule.
- (6) The child has been determined to be a child in need of services by an order entered by a juvenile court in a proceeding commenced under IC 31-34-9 after approval of the guardianship assistance agreement.
- (7) The household in which the child resides is no longer a qualifying family.
- (8) A successor guardian has been appointed for the child in the guardianship proceeding.
- (9) The division or county office has determined that appropriated funds are no longer available to support continuation of monthly assistance payments.

(c) The division or county office may continue monthly assistance payments to the guardian on behalf of the child, or make monthly assistance payments directly to the child, after the child has attained eighteen (18) years of age, if the child has not attained nineteen (19) years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).

(d) The division or county office shall send notice of termination of assistance under this section by certified mail to the guardian at the guardian's current or last known address. The division or county office shall separately mail a copy of the notice addressed to the child. The notice shall include a statement of the reason or reasons for termination as determined by the county office.

(e) The effective date of termination of a monthly assistance payment and guardianship assistance agreement under this section shall be determined as follows:

- (1) If termination is based on an event described in subsection (a), the end of the calendar month in which the event occurred.
- (2) If termination is based on a decision by the division or county office pursuant to subsection (b), the end of the first calendar month that ends not less than ten (10) days after the date the notice is mailed to the guardian.

If the guardian or child has received a payment attributable to a month after the effective date of termination, as determined under this subsection, the guardian or child shall be obligated to repay the amount of that payment to the division or county office. (*Division of Family and Children; 470 IAC 3-10.5-6; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2428; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-7 Medical insurance coverage for child

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 12-15-2-14; IC 12-17.6-3; IC 12-17.6-4-2

Sec. 7. (a) The guardian shall apply on behalf of the child for any medical insurance or assistance for which the child is eligible under IC 12-15-2-14, IC 12-17.6-3, or any other applicable law that provides financial assistance for medical or health care expenses.

(b) If the child is not eligible for medical insurance or assistance provided through the Indiana Medicaid program or the children's health insurance program (CHIP), the guardian shall obtain private health insurance coverage for the child that provides benefits substantially equivalent to the benefits that would be provided under IC 12-17.6-4-2 if the child were eligible for coverage under IC 12-17.6-3.

(c) Medical insurance coverage must be in effect at the time of approval of the guardianship assistance agreement. The guardian shall provide to the county office satisfactory evidence that the required coverage is in effect.

(d) The guardian must maintain medical insurance coverage for the child, in the manner provided in this section, as a condition to continued eligibility for monthly assistance payments under this rule. (*Division of Family and Children; 470 IAC 3-10.5-7; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2429; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-8 Other assistance

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 12-17-3

Sec. 8. (a) The county office will provide to the guardian, at the time the guardianship assistance agreement is approved, information concerning resources that may be available to the guardian or child through the county office or other community agencies, to assist the guardian in providing for the child's physical, mental, psychological, educational, and other needs appropriate to the child's development and transition to adult status and independent living.

(b) The county office will not be responsible for monitoring the guardian's care and supervision of the child during the time the guardianship assistance agreement is in effect, or for providing any services to the child, except as provided in this rule or in the agreement. (*Division of Family and Children; 470 IAC 3-10.5-8; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2429; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-9 Child support

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 12-14-7; IC 12-17-2

Sec. 9. (a) As a condition to receipt of a monthly assistance payment under this rule, the guardian shall assign to the division or county office any right that the guardian may have, on behalf of the guardian, eligible child, or any other family member residing in the guardian's household, to receive child support payments from a noncustodial parent for the benefit of the child in accordance with all applicable requirements of 42 U.S.C. § 608(a)(3), IC 12-14-7, and any rules or regulations implementing those requirements.

(b) The guardianship assistance agreement may include a provision by which the guardian assigns child support rights to the division or county office as provided in this section.

(c) All amounts received by the division through the Indiana statewide child support enforcement system administered pursuant to IC 12-17-2 as payment of a current or accrued child support obligation or arrearage, on behalf of the child for whom monthly assistance payments are made under this rule, shall be distributed in accordance with 42 U.S.C. § 657 and any applicable federal regulations, subject to the requirements of any court order in effect relating to payment of support on behalf of the child. (*Division of Family and Children; 470 IAC 3-10.5-9; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-10 TANF reporting

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 12-14-28

Sec. 10. (a) The county office that approves the guardianship assistance agreement shall be responsible for collecting, assembling, and reporting to the division, in the form prescribed by the division, all data and information needed for preparation of any report that the division is required to submit to the federal Department of Health and Human Services pursuant to 42 U.S.C. § 611 and 45 CFR 265, with respect to monthly assistance payments made from funds provided to the division through TANF.

(b) The guardian shall cooperate with the county office and provide all information that the guardian possesses, as needed and requested by the county office to facilitate compliance with this section. (*Division of Family and Children; 470 IAC 3-10.5-10; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-11 Guardianship administration

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 29-3-6-1; IC 31-34-21-7.5

Sec. 11. (a) The guardian receiving assistance under this rule on behalf of an eligible child shall be responsible for compliance with all duties and responsibilities of a legal guardian under any applicable provision of IC 29-3, including filing with the court having jurisdiction over the guardianship of any required pleadings, reports, documents, or accounts with respect to the guardianship estate.

(b) Except as provided in section 4 of this rule, the guardian shall give notice of all hearings in the guardianship proceedings as required by IC 29-3-6-1, including notice to the county office during any time that a guardianship assistance agreement is in effect.

(c) The division or county office shall have no responsibility for administration of the guardianship, accounting to the child or court for any activities of the guardian, or disposition of the proceeds of monthly assistance payments made to the guardian on behalf of the child. (*Division of Family and Children; 470 IAC 3-10.5-11; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-12 Administrative appeals

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 12-13; IC 12-14-28; IC 31-34-21-7.5

Sec. 12. An applicant for assistance under this rule or a guardian or child who has received assistance in accordance with a guardianship assistance agreement may appeal any decision of the division or county office denying the application, establishing or modifying the amount of monthly assistance payments, or terminating monthly assistance payments in accordance with applicable provisions of 470 IAC 1-4. (*Division of Family and Children; 470 IAC 3-10.5-12; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-10.5-13 Local guardianship assistance program

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 12-17-3; IC 12-19-7; IC 31-34-21-7.5

Sec. 13. (a) A county office may, with the approval of the juvenile court in the county, establish and operate a local program for financial assistance to a guardianship established as a permanency plan for a child in need of services pursuant to IC 31-34-21-7.5(1)(E), supplemental to the assisted guardianship program established under this rule and financed through any funds appropriated for that purpose by the county fiscal body.

(b) A local program established in accordance with this section shall be evidenced by a written plan containing eligibility standards and assistance guidelines that is approved by the county director and juvenile court.

(c) A copy of the local program plan shall be submitted to the division. The director of the division may request any modification of the plan that, in the opinion of the director, is necessary to prevent any conflict with the program established under this rule. (*Division of Family and Children; 470 IAC 3-10.5-13; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 11. Children's Homes and Child Caring Institutions

470 IAC 3-11-1 Applicability

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as institutions caring for more than ten (10) children.

(b) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

- (1) A license to operate an institution under this rule.
- (2) A license to operate an emergency shelter care under 470 IAC 3-12.
- (3) A license to operate an institution under this rule and a license to operate an emergency shelter care under 470 IAC 3-12.
- (4) A license to operate an institution under this rule and a license to operate a private secure facility under 470 IAC 3-13.
- (5) A license to operate an institution under this rule and a license to operate an emergency shelter care under 470 IAC 3-12 and a license to operate a private secure facility under 470 IAC 3-13.

(Division of Family and Children; 470 IAC 3-11-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-2 "Administrator" defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Division of Family and Children; 470 IAC 3-11-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-3 "Admission" defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Division of Family and Children; 470 IAC 3-11-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-4 "Application" defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Division of Family and Children; 470 IAC 3-11-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

- (1) receiving and caring for dependent children, children in need of services, or delinquent children; or
- (2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Division of Family and Children; 470 IAC 3-11-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-6 “Communicable disease” defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 6. As used in this rule, “communicable disease” means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Division of Family and Children; 470 IAC 3-11-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-7 “Confinement room” defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 7. As used in this rule, “confinement room” means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Division of Family and Children; 470 IAC 3-11-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-8 “Corporal punishment” defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 8. As used in this rule, “corporal punishment” means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Division of Family and Children; 470 IAC 3-11-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-9 “Emergency shelter” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, “emergency shelter” means a short term place of residence, other than a secure facility that:
(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(Division of Family and Children; 470 IAC 3-11-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-10 “Food service” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, “food service” means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-11-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-11 “FPBSC” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. (*Division of Family and Children; 470 IAC 3-11-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-12 "Governing body" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. (*Division of Family and Children; 470 IAC 3-11-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-13 "Group home" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. (*Division of Family and Children; 470 IAC 3-11-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-14 "Institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in this rule or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under this rule or 470 IAC 3-12. (*Division of Family and Children; 470 IAC 3-11-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-15 "License" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. (*Division of Family and Children; 470 IAC 3-11-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-16 "Living unit" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. (*Division of Family and Children; 470 IAC 3-11-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-17 "Mechanical restraints" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, “mechanical restraints” means any objects that restrict a child’s mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. (*Division of Family and Children; 470 IAC 3-11-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-18 “Needs assessment” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, “needs assessment” means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. (*Division of Family and Children; 470 IAC 3-11-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-19 “Parent agency” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, “parent agency” means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. (*Division of Family and Children; 470 IAC 3-11-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-20 “Placing agency” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, “placing agency” means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 [IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.], who places a child into a child caring institution. (*Division of Family and Children; 470 IAC 3-11-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-21 “Placing parent or guardian” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, “placing parent or guardian” means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. (*Division of Family and Children; 470 IAC 3-11-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-22 “Private secure facility” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, “private secure facility” means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. (*Division of Family and Children; 470 IAC 3-11-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-23 “Program director” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. (*Division of Family and Children; 470 IAC 3-11-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-24 "Provisional license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. (*Division of Family and Children; 470 IAC 3-11-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-25 "Psychotropic medication" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. (*Division of Family and Children; 470 IAC 3-11-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-26 "SBH" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. (*Division of Family and Children; 470 IAC 3-11-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-27 "SDPW" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. (*Division of Family and Children; 470 IAC 3-11-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-28 "SFM" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. (*Division of Family and Children; 470 IAC 3-11-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-29 "Staff development" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. (*Division of Family and Children; 470 IAC 3-11-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-30 “Treatment plan” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, “treatment plan” means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. (*Division of Family and Children; 470 IAC 3-11-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-31 “Variance” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, “variance” means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. (*Division of Family and Children; 470 IAC 3-11-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-32 “Waiver” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, “waiver” means official permission granted by the SDPW not to meet a specific regulation. (*Division of Family and Children; 470 IAC 3-11-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The licensee shall submit a separate application for each license required.

(b) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(c) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.

(d) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(e) A child caring institution shall not care for children under the age of six (6) years.

(f) The license shall be posted in a conspicuous place in the child caring institution. (*Division of Family and Children; 470 IAC 3-11-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-34 Termination of license

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

- (1) the name of the licensee changes;
- (2) the type of child caring institution changes;
- (3) the address of the child caring institution changes; or
- (4) the capacity, age range, or gender of children served changes.

(b) A license shall be terminated whenever the child caring institution closes. (*Division of Family and Children; 470 IAC 3-11-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-35 Waivers and variances

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:

- (1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.
- (2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.

(b) The SDPW shall review the written request based on but not limited to the following:

- (1) On-site review, if applicable.
- (2) Written documentation.
- (3) Review of the requests by SDPW field consultants and administration.
- (4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.

(c) The SDPW shall provide, within ninety (90) days of the receipt of the written request, a written response of denial or approval.

(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. (*Division of Family and Children; 470 IAC 3-11-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-36 Reporting requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:

- (1) Change in licensed capacity.
- (2) Major alterations or changes in buildings or in use of rooms.
- (3) Addition or termination of program services offered.
- (4) Changes in administrative personnel.
- (5) Termination of services.
- (6) Changes in discipline policies.
- (7) Changes in confinement room policies, if applicable.

(b) The child caring institution shall report the following changes or events immediately upon occurrence:

- (1) A fire on the premises of the child caring institution.
- (2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.
- (3) Any communicable disease requiring hospitalization of a child.
- (4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 [*IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.*].
- (5) A court ordered placement that results in an excess in the number of children authorized by the license.

(*Division of Family and Children; 470 IAC 3-11-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-37 Plan of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:

- (1) Needs assessment.
- (2) Purpose of child caring institution.
- (3) Ages, gender, and type of children to be served.
- (4) Location of child caring institution and geographic area from which children will be received.
- (5) Type of buildings.
- (6) Financial information regarding the following:

- (A) New construction and maintenance of building.
- (B) Operation of the child caring institution and child care program.
- (C) Sources of income and fundraising methods.
- (7) Program design for the children as follows:
 - (A) Emotional and social development.
 - (B) Education.
 - (C) Work program.
 - (D) Recreation.
 - (E) Nutrition.
 - (F) Medical and dental care.
 - (G) Clothing.
 - (H) Family involvement.
 - (I) Discipline.
- (8) Administration is to include the following:
 - (A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.
 - (B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.
- (b) The child caring institution shall operate in accordance with the written plan of operation. (*Division of Family and Children; 470 IAC 3-11-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-38 Governing body

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. (*Division of Family and Children; 470 IAC 3-11-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

- (1) Salaries.
- (2) Food.
- (3) Clothing.
- (4) Child development and child care program.
- (5) Fixed expenses.
- (6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

- (1) Public liability.
- (2) Worker's compensation.
- (3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. (*Division of Family and Children; 470 IAC 3-11-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing.

(b) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. (*Division of Family and Children; 470 IAC 3-11-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

- (1) Authorization to care for the child.
- (2) Provision for treatment plan reviews.
- (3) Financial plan for payment of care and services covered.
- (4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(*Division of Family and Children; 470 IAC 3-11-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

- (b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.
- (c) The child caring institution shall maintain an organizational chart.
- (d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually. (*Division of Family and Children; 470 IAC 3-11-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access. *(Division of Family and Children; 470 IAC 3-11-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-44 Personnel records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

- (1) Application.
- (2) Name, address, and telephone number.
- (3) Name, address, and telephone number of the person to be notified in the event of an emergency.
- (4) Documentation of training, education, experience, and any other required qualifications.
- (5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
- (6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

- (1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
- (2) Annual report of Mantoux tuberculin test results.
- (3) Annual evaluation of employee's performance.
- (4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
- (5) Dates of employment and termination with any reason for termination.
- (6) Copies of any incident report involving the staff member.

(Division of Family and Children; 470 IAC 3-11-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-45 Volunteer records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

- (1) Name, address, and telephone number.
- (2) Name, address, and telephone number of the person to be notified in the event of an emergency.
- (3) Documentation of reference with an evaluation of the following:
 - (A) Ability, character, and suitability for working with children.
 - (B) Orientation and training, as required under section 54 of this rule.
- (4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Division of Family and Children; 470 IAC 3-11-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-46 Child's records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:

- (1) Name.
- (2) Sex.

- (3) Date of birth.
- (4) Name, address, and marital status of both parents.
- (5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
- (6) Religious information necessary to provide appropriate services.
- (7) Information upon which the admission decision was based.
- (8) Name of agencies which have had contact with the child and the family and dates of contacts.
- (9) Name and address of person or placing agency requesting admission.
- (10) Date of admission.
- (11) Written agreement with the placing agency or person.
- (12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
- (13) SDPW case plan, if applicable.
- (14) Initial assessment of child and family and resulting treatment plan.
- (15) Written quarterly progress reports and six (6) month treatment plan revisions.
- (16) Documentation of efforts to provide services to the child's family.
- (17) Documentation of any discipline of a child which results in an injury.
- (18) School report, including teachers' evaluation of child's progress.
- (19) Report by any specialist, such as psychiatrist or psychologist, if applicable.
- (20) Discharge information required under section 67 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20). (*Division of Family and Children; 470 IAC 3-11-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-47 Employee qualifications; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-3 [*470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.*], is exempted from this rule. (*Division of Family and Children; 470 IAC 3-11-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1966; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-48 Administrative and supervisory personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for

the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

(f) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(g) The program director shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus two (2) years of experience in child care services.

(h) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule, shall have a master's degree in social work, psychology, or counseling from an accredited school plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(i) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child caring institution.

(3) A high school diploma and four (4) years of work experience in a child caring institution.

(Division of Family and Children; 470 IAC 3-11-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1966; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-49 Professional personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every twenty-four (24) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers.

(Division of Family and Children; 470 IAC 3-11-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) The institution shall count all children who live with their parents at the institution in determining the child-staff ratios. A houseparent who serves in that capacity on the effective date of this rule and who was qualified for that position under previous rule 470 IAC 3-3 [470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.], is exempted from the specific requirements for these child-staff ratios.

(c) The institution shall maintain a ratio of at least one (1) direct care worker on duty to every twelve (12) children while children are awake. While children are sleeping, the ratio shall be at least one (1) direct care worker to every twenty (20) children.

(d) When there are three (3) or more children under eight (8) years of age in the living unit, the institution shall maintain a ratio of at least one (1) direct care worker to every six (6) children, whether the children are awake or asleep.

(e) When a group of twelve (12) or fewer children is under the care of one (1) employee, the institution shall have a written plan for that employee to summon another adult to immediately assist in case of an emergency without leaving the children

unattended.

(f) These child-staff ratios shall be maintained at group off-grounds activities. (*Division of Family and Children; 470 IAC 3-11-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-51 Volunteers

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. (*Division of Family and Children; 470 IAC 3-11-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-52 Students

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. (*Division of Family and Children; 470 IAC 3-11-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-53 Relief staff

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. (*Division of Family and Children; 470 IAC 3-11-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-54 Staff development

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during

each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

- (1) Administrative procedures and overall program goals.
- (2) Principles and practices of child care.
- (3) Family relationships and the impact of separation.
- (4) Behavior management techniques.
- (5) Emergency and safety procedures.
- (6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. (*Division of Family and Children; 470 IAC 3-11-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-55 Daily routines

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. (*Division of Family and Children; 470 IAC 3-11-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-56 Personal items

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. (*Division of Family and Children; 470 IAC 3-11-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-57 Discipline and guidance

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

(2) Use of mechanical restraints.

(3) Undue confinement to bed.

(4) Deprivation of meals or snacks.

(5) Inappropriate assignment of work.

(6) Group discipline for an offense by an individual child.

(7) Any child or group of children punishing another child.

(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker.

(Division of Family and Children; 470 IAC 3-11-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1969; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-58 Confinement rooms

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child is in danger of harming himself or herself or others and has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

(1) Definition of the circumstances which justify the use of confinement.

(2) A maximum time period for each episode of confinement not to exceed one (1) hour unless extended as provided for in subsection (f).

(3) Record keeping of each confinement episode as noted in subsection (i).

(4) Clear designation of persons who have authority to approve or extend the confinement period.

(5) Directions for removal of all dangerous items from the child such as belts, shoelaces, jewelry, items in pockets, matches, and any other items which represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.

(g) An awake staff member in the immediate vicinity of the confinement room shall supervise the child at all times and shall make a visual check of the child at least every five (5) minutes.

(h) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the therapeutic value of each confinement episode, safety considerations, appropriate utilization of confinement, and adherence to the general policy of confinement as established in subsection (d).

(i) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

- (1) The circumstances leading to confinement.
- (2) The period of time a child was confined.
- (3) The time of the visual checks.
- (4) Behavioral observations of the child.
- (5) Specific notation of any extension of confinement including reasons for the extension and by whom approval for extension was given.
- (j) Notation of each confinement shall be placed in the individual case record of the child.
- (k) Confinement rooms shall be constructed and maintained in the following manner:
 - (1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.
 - (2) Equipped and sized for therapeutic use with at least thirty-six (36) feet of floor space and eight (8) feet high ceilings.
 - (3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.
 - (4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.
 - (5) No functional electrical outlets are located in the room.
 - (6) A window is provided to allow for a visual check of the child without entering the room.
 - (7) Windows are secured and protected so as to prevent harm to the occupant.
 - (8) Ceiling lights are provided, protected, and recessed.
 - (9) The room is heated, cooled, and ventilated as required under 675 IAC.
 - (10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.

(Division of Family and Children; 470 IAC 3-11-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1969; errata, 14 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-59 Mechanical restraints

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 59. (a) Mechanical restraints shall be used only if the child is a clear and present danger to himself/herself or others and therapeutic crisis intervention techniques have been attempted and failed or are diagnostically eliminated prior to use.

(b) If an institution uses mechanical restraints, the institution shall develop policies and procedures on their usage that include the following:

- (1) Description of the types of mechanical restraints used.
- (2) Criteria for use.
- (3) Staff authorized to approve use.
- (4) Staff authorized and trained to apply restraints.
- (5) Procedures for application.
- (6) Staff training requirements.
- (7) Time limitations on use.
- (8) Monitoring requirements while child is in restraints.
- (c) Documentation of mechanical restraint training shall be in each employee's personnel record.
- (d) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved

by the SDPW.

(e) A record shall be maintained of each incident of mechanical restraint and placed in the child's record that includes the following information:

- (1) Date and time of incident.
- (2) Name of child.
- (3) Form of restraint used.
- (4) Length of time in restraint.
- (5) Name and title of person who authorized use of restraint.
- (6) Name and title of person applying the restraint.
- (7) Name of person responsible for monitoring the child while in restraints.

(8) Description of child's behavior prior to, during, and after use of restraints.

(9) Treatment team assessment of the effectiveness of the restraint and future alternatives.

(Division of Family and Children; 470 IAC 3-11-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1970; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-60 Education

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 [511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.] with help in the selection of an occupation and in arrangements for necessary vocational training or education, provided that the child will benefit from such training or education. *(Division of Family and Children; 470 IAC 3-11-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1970; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-61 Religion

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. *(Division of Family and Children; 470 IAC 3-11-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-62 Work experience

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-11-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-63 Recreation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. (*Division of Family and Children; 470 IAC 3-11-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-64 Visiting; correspondence

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. (*Division of Family and Children; 470 IAC 3-11-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-65 Transportation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. (*Division of Family and Children; 470 IAC 3-11-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-66 Treatment plan

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall have completed a written treatment plan for each child within forty-five (45) days of admission and shall provide a copy of the plan to the placing agency or placing parent or guardian.

(b) The child caring institution shall involve staff members who provide direct care, social services, education, recreation, and health services in developing and implementing the treatment plan for the child and the family.

(c) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(d) The treatment plan shall include an assessment of the following with the child and family:

(1) Needs.

(2) Strengths.

(3) Weaknesses.

(4) Problem areas.

(e) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:

- (1) Education.
- (2) Daily living activities.
- (3) Any specialized recreation.
- (4) Any specialized services, such as counseling.
- (5) Family involvement and plan for visitation.
- (6) The projected length of stay.

(f) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care, the child caring institution shall provide or arrange for appropriate consultation and treatment.

(g) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.

(h) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency.

(i) The child caring institution shall provide a written summary of each quarterly review to the placing agency or placing parent or guardian. (*Division of Family and Children; 470 IAC 3-11-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-67 Discharge

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

- (1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.
- (2) Recommendations for the child and family following discharge.
- (3) The date and reasons for discharge.
- (4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. (*Division of Family and Children; 470 IAC 3-11-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-68 Services to families

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. (*Division of Family and Children; 470 IAC 3-11-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-69 Health program requirements; written plan

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. (*Division of Family and Children; 470 IAC 3-11-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-70 Medical services; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. (*Division of Family and Children; 470 IAC 3-11-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-71 First aid policies and practices

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

- (1) Poisoning.
- (2) Seizures.
- (3) Hemorrhaging.
- (4) Artificial respiration.
- (5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

- (1) A telephone.
 - (2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.
 - (3) The telephone numbers for ambulance services, the local fire department, and the poison control center.
 - (4) The "Red Cross First Aid Manual" or its equivalent.
 - (5) First aid supplies, as specified by the child caring institution's consulting licensed physician.
- (e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff. (*Division of Family and Children; 470 IAC 3-11-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-72 Medication; disbursement, application

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

- (f) The staff member administering medication shall record the following information in the child's health record:
- (1) The date and time of day when medication is given.
 - (2) Why it is given.
 - (3) How much is given.
 - (4) By whom administered.

(Division of Family and Children; 470 IAC 3-11-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-73 Psychotropic medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-11-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-74 Storage of medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-11-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-75 Health requirements for children

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

- (1) Health history.
- (2) Physical examination.
- (3) Vision and hearing screening.
- (4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.
- (5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.
- (6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.

(7) A health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child shall receive a dental examination from a licensed dentist as follows:

(1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.

(2) Annually.

(3) Whenever an interim condition indicates the need for examination or treatment.

(d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.

(e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.

(i) Adequate documentation of an immunization history shall consist of one (1) of the following:

(1) A licensed physician's certificate including the number and dates of doses administered.

(2) Immunization records forwarded from a school corporation including the number and dates of doses administered.

(3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.

(j) If a licensed physician certifies in writing that a particular immunization required under this section is detrimental, or may be detrimental, to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer to be detrimental to the child's health.

(k) The child caring institution shall maintain a health record for each child. The record shall include the following:

(1) Admission and periodic health and dental examination information.

(2) A licensed physician's written instructions with regard to special dietary or health care required.

(3) Record of all medications and treatments.

(4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Division of Family and Children; 470 IAC 3-11-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-76 Health requirements for staff members

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 76. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

- (2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.
- (3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Division of Family and Children; 470 IAC 3-11-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1975; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-77 Nutrition and food service; menus; vendor service; education

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve, in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.

(j) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.], food service sanitation requirements, as adopted on November 3, 1983, and any successive changes.

(k) The institution shall keep a copy of 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.] in the kitchen at all times for reference.

(l) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.

(m) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.

(n) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.

(o) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.

(p) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.

(q) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (j) through (p):

- (1) The kitchen shall meet state and local codes for a one (1) family residence and shall be approved by the SBH.
- (2) The kitchen shall be equipped with the following:
 - (A) A stove.
 - (B) A refrigerator.
 - (C) Closed cabinets for food and utensil storage.
 - (D) A two (2) compartment sink and an automatic dishwasher or a three (3) compartment sink.
 - (E) Light and ventilation.
 - (F) Walls and ceilings that are smooth and easily washed.
 - (G) Counter surfaces that are smooth and free of cracks and seams.

(Division of Family and Children; 470 IAC 3-11-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1975; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-78 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and sufficiently varied to meet the needs of the children according to age, size, and social development. *(Division of Family and Children; 470 IAC 3-11-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1977; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-79 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(b) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of each bunk bed. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

- (4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.
- (e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.
- (f) The child caring institution shall provide the following for the care of a sick child:
 - (1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.
 - (2) A room which is well-ventilated and heated.
 - (3) Sanitation of all furnishings after each use for isolation for a communicable disease.
- (g) The child caring institution shall provide furnishings which are as follows:
 - (1) Safe and room appropriate for use.
 - (2) Maintained and repaired as needed.
 - (3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.
- (h) The child caring institution shall provide a study area which includes the following:
 - (1) Tables or desks.
 - (2) Chairs.
 - (3) Appropriate lighting for reading.

(Division of Family and Children; 470 IAC 3-11-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1977; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-80 Maintenance and safety

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 80. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

- (1) Keep poisons and harmful chemicals under lock.
- (2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.
- (3) Prohibit the storage and use of firearms on the property.
- (4) Provide adult supervision whenever power equipment is being used by children.
- (5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-11-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-81 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 81. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads

and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.
(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. (*Division of Family and Children; 470 IAC 3-11-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-82 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 82. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. (*Division of Family and Children; 470 IAC 3-11-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-83 Swimming pools

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 83. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. (*Division of Family and Children; 470 IAC 3-11-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-84 Pets

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 84. Pets which are a potential source of rabies shall be immunized as needed against rabies. (*Division of Family and Children; 470 IAC 3-11-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-85 Fire prevention and building safety plan, design, and construction

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 85. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. (*Division of Family and Children; 470 IAC 3-11-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; errata, 14 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-86 Heat, light, and ventilation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 86. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(*Division of Family and Children; 470 IAC 3-11-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-87 Electrical equipment, plumbing, and combustible materials

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 87. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules, and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other

flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. (*Division of Family and Children; 470 IAC 3-11-87; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-88 Halls, windows, doors, and exits

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 88. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. (*Division of Family and Children; 470 IAC 3-11-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-11-89 Safety equipment and procedures

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 89. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. (*Division of Family and Children; 470 IAC 3-11-89; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 12. Emergency Shelter Care Children's Homes and Child Caring Institutions

470 IAC 3-12-1 Applicability

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as institutions caring for more than ten (10) children.

(b) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

- (1) A license to operate an institution under 470 IAC 3-11.
- (2) A license to operate an emergency shelter care under this rule.
- (3) A license to operate an institution under 470 IAC 3-11, and a license to operate an emergency shelter care under this rule.
- (4) A license to operate an institution under 470 IAC 3-11, and a license to operate a private secure facility under 470 IAC 3-13.
- (5) A license to operate an institution under 470 IAC 3-11, a license to operate an emergency shelter care under this rule, and a license to operate a private secure facility under 470 IAC 3-13.

(Division of Family and Children; 470 IAC 3-12-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-2 “Administrator” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, “administrator” means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Division of Family and Children; 470 IAC 3-12-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-3 “Admission” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, “admission” means the process of entering a child in a child caring institution. *(Division of Family and Children; 470 IAC 3-12-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-4 “Application” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, “application” means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Division of Family and Children; 470 IAC 3-12-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-5 “Children's home” or “child caring institution” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, “children's home” or “child caring institution” means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

- (1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian. *(Division of Family and Children; 470 IAC 3-12-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-6 “Communicable disease” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, “communicable disease” means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Division of Family and Children; 470 IAC 3-12-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-7 “Confinement room” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, “confinement room” means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Division of Family and Children; 470 IAC 3-12-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-8 “Corporal punishment” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, “corporal punishment” means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Division of Family and Children; 470 IAC 3-12-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-9 “Emergency shelter” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, “emergency shelter” means a short term place of residence, other than a secure facility that:
(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.
(Division of Family and Children; 470 IAC 3-12-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-10 “Food service” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, “food service” means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-12-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-11 “FPBSC” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. (*Division of Family and Children; 470 IAC 3-12-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-12 "Governing body" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. (*Division of Family and Children; 470 IAC 3-12-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-13 "Group home" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. (*Division of Family and Children; 470 IAC 3-12-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-14 "Institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in this rule or 470 IAC 3-11 shall preclude an institution caring for ten (10) or less children from being licensed under this rule or 470 IAC 3-11. (*Division of Family and Children; 470 IAC 3-12-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-15 "License" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. (*Division of Family and Children; 470 IAC 3-12-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-16 "Living unit" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. (*Division of Family and Children; 470 IAC 3-12-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-17 "Mechanical restraints" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, “mechanical restraints” means any objects that restrict a child’s mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. (*Division of Family and Children; 470 IAC 3-12-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-18 “Needs assessment” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, “needs assessment” means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. (*Division of Family and Children; 470 IAC 3-12-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-19 “Parent agency” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, “parent agency” means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. (*Division of Family and Children; 470 IAC 3-12-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-20 “Placing agency” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, “placing agency” means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 [IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.], who places a child into a child caring institution. (*Division of Family and Children; 470 IAC 3-12-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-21 “Placing parent or guardian” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, “placing parent or guardian” means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. (*Division of Family and Children; 470 IAC 3-12-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-22 “Private secure facility” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, “private secure facility” means a locked living unit within an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. (*Division of Family and Children; 470 IAC 3-12-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-23 “Program director” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. (*Division of Family and Children; 470 IAC 3-12-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-24 "Provisional license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. (*Division of Family and Children; 470 IAC 3-12-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-25 "Psychotropic medication" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. (*Division of Family and Children; 470 IAC 3-12-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-26 "SBH" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. (*Division of Family and Children; 470 IAC 3-12-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-27 "SDPW" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. (*Division of Family and Children; 470 IAC 3-12-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-28 "SFM" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. (*Division of Family and Children; 470 IAC 3-12-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-29 "Staff development" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. (*Division of Family and Children; 470 IAC 3-12-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-30 “Treatment plan” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, “treatment plan” means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. (*Division of Family and Children; 470 IAC 3-12-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-31 “Variance” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, “variance” means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. (*Division of Family and Children; 470 IAC 3-12-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-32 “Waiver” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, “waiver” means official permission granted by the SDPW not to meet a specific regulation. (*Division of Family and Children; 470 IAC 3-12-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The licensee shall submit a separate application for each license required.

(b) An application for a license to operate an emergency shelter care institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(c) An application for renewal of licensure shall be submitted annually to the SDPW by an emergency shelter care institution which wishes to have its license renewed.

(d) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(e) A child caring institution shall not care for children under the age of six (6) years.

(f) The license shall be posted in a conspicuous place in the child caring institution. (*Division of Family and Children; 470 IAC 3-12-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-34 Termination of license

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

- (1) the name of the licensee changes;
- (2) the type of child caring institution changes;
- (3) the address of the child caring institution changes; or
- (4) the capacity, age range, or gender of children served changes.

(b) A license shall be terminated whenever the child caring institution closes. (*Division of Family and Children; 470 IAC 3-12-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-35 Waivers and variances

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:

- (1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.
- (2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.

(b) The SDPW shall review the written request based on but not limited to the following:

- (1) On-site review, if applicable.
- (2) Written documentation.
- (3) Review of the requests by SDPW field consultants and administration.
- (4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.

(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.

(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. (*Division of Family and Children; 470 IAC 3-12-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-36 Reporting requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:

- (1) Change in licensed capacity.
- (2) Major alterations or changes in buildings or in use of rooms.
- (3) Addition or termination of program services offered.
- (4) Changes in administrative personnel.
- (5) Termination of services.
- (6) Changes in discipline policies.
- (7) Changes in confinement room policies, if applicable.

(b) The child caring institution shall report the following changes or events immediately upon occurrence:

- (1) A fire on the premises of the child caring institution.
- (2) A death or serious injury requiring treatment of a child in a hospital or emergency care facility.
- (3) Any communicable disease requiring hospitalization of a child.
- (4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 [*IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.*].
- (5) A court ordered placement that results in an excess in the number of children authorized by the license.

(*Division of Family and Children; 470 IAC 3-12-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-37 Plan of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:

- (1) Needs assessment.
- (2) Purpose of child caring institution.
- (3) Ages, gender, and type of children to be served.
- (4) Location of child caring institution and geographic area from which children will be received.
- (5) Type of buildings.
- (6) Financial information for the following:

- (A) For new construction and maintenance of building.
- (B) For operation of the child caring institution and child care program.
- (C) Regarding sources of income and fundraising methods.
- (7) Program design for the children as follows:
 - (A) Emotional and social development.
 - (B) Education.
 - (C) Work program.
 - (D) Recreation.
 - (E) Nutrition.
 - (F) Medical and dental care.
 - (G) Clothing.
 - (H) Family involvement.
 - (I) Discipline.
- (8) Administration is to include the following:
 - (A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.
 - (B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.
- (b) The child caring institution shall operate in accordance with the written plan of operation. (*Division of Family and Children; 470 IAC 3-12-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-38 Governing body

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. (*Division of Family and Children; 470 IAC 3-12-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

- (1) Salaries.
- (2) Food.
- (3) Clothing.
- (4) Child development and child care program.
- (5) Fixed expenses.
- (6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

- (1) Public liability.
- (2) Worker's compensation.
- (3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. (*Division of Family and Children; 470 IAC 3-12-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing. These policies shall clearly define categories of children which will not be accepted into care.

(b) The child caring institution shall have and make written notation of the following information at the time of admission:

- (1) The information required under section 46(a)(1) through 46(a)(10) of this rule.
- (2) The name and twenty-four (24) hour contact telephone number of the placing agency worker or parent or guardian.
- (3) Indication of whether the parent or guardian has been notified.
- (4) Identification of the family or other persons who may have contact with the child, the permitted means of contact, and any restrictions upon contacts.
- (5) Any known medical problem including allergies, special dietary needs, or medication the child is taking.
- (6) Release for emergency treatment signed by the placing agency, parent, guardian, or custodian.
- (c) Within seventy-two (72) hours, or on the next working day of admission, the child caring institution shall have the following information:

- (1) Any available health records, including immunization history.
- (2) Release of information form signed by the placing agency, the parent or guardian for release of school records, and any existing psychological or psychiatric evaluations.

(d) When a child is unaccompanied by a placing agency or parent at the time of admission, the child caring institution shall attempt to get the information required under subsection (b) but shall not deny admission to a child solely on the inability to document this information.

(e) The child caring institution shall document efforts to notify the parent, guardian, or placing agency as applicable of the admission of the child within twenty-four (24) hours of the child's admission, if possible. If the parent cannot be located, the shelter shall notify the local child protection service within twenty-four (24) hours. (*Division of Family and Children; 470 IAC 3-12-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

- (1) Authorization to care for the child.
- (2) Provision for treatment plan reviews, if applicable.
- (3) Financial plan for payment of care and services covered.
- (4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(*Division of Family and Children; 470 IAC 3-12-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually. *(Division of Family and Children; 470 IAC 3-12-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-43 Record keeping; general

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access. *(Division of Family and Children; 470 IAC 3-12-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-44 Personnel records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.

(2) Name, address, and telephone number.

(3) Name, address, and telephone number of the person to be notified in the event of an emergency.

(4) Documentation of training, education, experience, and any other required qualifications.

(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.

(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.

(2) Annual report of Mantoux tuberculin test results.

(3) Annual evaluation of employee's performance.

(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.

(5) Dates of employment and termination with any reason for termination.

(6) Copies of any incident report involving the staff member.

(Division of Family and Children; 470 IAC 3-12-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-45 Volunteer records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

- (1) Name, address, and telephone number.
- (2) Name, address, and telephone number of the person to be notified in the event of an emergency.
- (3) Documentation of reference with an evaluation of the following:
 - (A) Ability, character, and suitability for working with children.
 - (B) Orientation and training, as required under section 54 of this rule.
- (4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Division of Family and Children; 470 IAC 3-12-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:

- (1) Name.
- (2) Sex.
- (3) Date of birth.
- (4) Name, address, and marital status of both parents.
- (5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
- (6) Religious information necessary to provide appropriate services.
- (7) Information upon which the admission decision was based.
- (8) Name of agencies which have had contact with the child and the family and dates of contacts.
- (9) Name and address of person or placing agency requesting admission.
- (10) Date of admission.
- (11) Written agreement with the placing agency or person.
- (12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
- (13) SDPW case plan, if applicable.
- (14) Documentation of any discipline of a child which results in an injury.
- (15) School report, including teachers' evaluation of child's progress.
- (16) Report by any specialist, such as psychiatrist or psychologist, if applicable.
- (17) Discharge information required under section 67 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required by subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(17). *(Division of Family and Children; 470 IAC 3-12-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-47 Employee qualifications; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-3 [470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.], is exempted from this rule. *(Division of Family and Children; 470 IAC 3-12-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-48 Administrative and supervisory personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

(f) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(g) The program director shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus two (2) years of experience in child care services.

(h) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule shall have a master's degree in social work, psychology, or counseling from an accredited school plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(i) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child caring institution.

(3) A high school diploma and four (4) years of work experience in a child caring institution.

(Division of Family and Children; 470 IAC 3-12-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-49 Professional personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every twenty-four (24) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers.

(Division of Family and Children; 470 IAC 3-12-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) The institution shall count all children who live with their parents at the institution in determining the child-staff ratios. A houseparent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-3 [470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.], is exempted from the specific requirements for these child-staff ratios.

(c) The institution shall maintain a ratio of at least one (1) direct care worker on duty to every twelve (12) children while children are awake. While children are sleeping, the ratio shall be at least one (1) direct care worker to every twenty (20) children.

(d) When there are three (3) or more children under eight (8) years of age in the living unit, the institution shall maintain a ratio of at least one (1) direct care worker to every six (6) children, whether the children are awake or asleep.

(e) When a group of twelve (12) or fewer children is under the care of one (1) employee, the institution shall have a written plan for that employee to summon another adult to immediately assist in case of an emergency without leaving the children unattended.

(f) These child-staff ratios shall be maintained at group off-grounds activities. (*Division of Family and Children; 470 IAC 3-12-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

- (1) Reference checks.
- (2) Supervision by a paid staff member.
- (3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. (*Division of Family and Children; 470 IAC 3-12-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. (*Division of Family and Children; 470 IAC 3-12-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Division of Family and Children; 470 IAC 3-12-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-54 Staff development

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

- (1) Administrative procedures and overall program goals.
- (2) Principles and practices of child care.
- (3) Family relationships and the impact of separation.
- (4) Behavior management techniques.
- (5) Emergency and safety procedures.
- (6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section.

(f) In addition to the training required under subsections (a) through (e), the child caring institution shall provide all staff having direct contact with the children with training in the following:

- (1) An understanding of the nature of a crisis.
- (2) Specific techniques for dealing with suicidal children.
- (3) Verbal deescalation and therapeutic physical restraint techniques, if they are utilized.

(Division of Family and Children; 470 IAC 3-12-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-55 Daily routines

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Division of Family and Children; 470 IAC 3-12-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. (*Division of Family and Children; 470 IAC 3-12-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-57 Discipline and guidance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use or permit any person to use any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

(2) Use of mechanical restraints.

(3) Undue confinement to bed.

(4) Deprivation of meals or snacks.

(5) Inappropriate assignment of work.

(6) Group discipline for an offense by an individual child.

(7) Any child or group of children punishing another child.

(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker.

(*Division of Family and Children; 470 IAC 3-12-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-58 Confinement rooms

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child is in danger of harming himself or herself or others and has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

- (1) Definition of the circumstances which justify the use of confinement.
- (2) A maximum time period for each episode of confinement not to exceed one (1) hour unless extended as provided for in subsection (f).
- (3) Record keeping of each confinement episode as noted in subsection (i).
- (4) Clear designation of persons who have authority to approve or extend the confinement period.
- (5) Directions for removal of all dangerous items from the child such as belts, shoelaces, jewelry, items in pockets, matches, and any other items which represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.

(g) An awake staff member in the immediate vicinity of the confinement room shall supervise the child at all times and shall make a visual check of the child at least every five (5) minutes.

(h) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the therapeutic value of each confinement episode, safety considerations, appropriate utilization of confinement, and adherence to the general policy of confinement as established under subsection (d).

(i) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

- (1) The circumstances leading to confinement.
- (2) The period of time a child was confined.
- (3) The time of the visual checks.
- (4) Behavioral observations of the child.
- (5) Specific notation of any extension of confinement including reasons for the extension and by whom approval for extension was given.
- (j) Notation of each confinement shall be placed in the individual case record of the child.
- (k) Confinement rooms shall be constructed and maintained in the following manner:
 - (1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.
 - (2) Equipped and sized for therapeutic use with at least thirty-six (36) feet of floor space and eight (8) feet high ceilings.
 - (3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.
 - (4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.
 - (5) No functional electrical outlets are located in the room.
 - (6) A window is provided to allow for a visual check of the child without entering the room.
 - (7) Windows are secured and protected so as to prevent harm to the occupant.
 - (8) Ceiling lights are provided, protected, and recessed.
 - (9) The room is heated, cooled, and ventilated as required under 675 IAC.
 - (10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.

(Division of Family and Children; 470 IAC 3-12-58; filed Jun 27, 1991, 12:00 p.m.; 14 IR 1992; readopted filed Jul 12, 2001, 1:40 p.m.; 24 IR 4235)

470 IAC 3-12-59 Mechanical restraints

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 59. (a) Mechanical restraints shall be used only if the child is a clear and present danger to himself/herself or others and therapeutic crisis intervention techniques have been attempted and failed or are diagnostically eliminated prior to use.

(b) If an institution uses mechanical restraints, the institution shall develop policies and procedures on their usage that include the following:

- (1) Description of the types of mechanical restraints used.
- (2) Criteria for use.
- (3) Staff authorized to approve use.
- (4) Staff authorized and trained to apply restraints.
- (5) Procedures for application.
- (6) Staff training requirements.
- (7) Time limitations on use.
- (8) Monitoring requirements while child is in restraints.
- (c) Documentation of mechanical restraint training shall be in each employee's personnel record.

(d) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved by the SDPW.

(e) A record shall be maintained of each incident of mechanical restraint and placed in the child's record that includes the following information:

- (1) Date and time of incident.
- (2) Name of child.
- (3) Form of restraint used.
- (4) Length of time in restraint.
- (5) Name and title of person who authorized use of restraint.
- (6) Name and title of person applying the restraint.
- (7) Name of person responsible for monitoring the child while in restraints.
- (8) Description of child's behavior prior to, during, and after use of restraints.
- (9) Treatment team assessment of the effectiveness of the restraint and future alternatives.

(Division of Family and Children; 470 IAC 3-12-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-60 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall work with the placing agency, parent, or guardian to ensure that the child's education plan is in compliance with the Indiana school attendance laws.

(e) The child caring institution shall have and follow a written plan for meeting the educational needs of children who are unable to attend public school. *(Division of Family and Children; 470 IAC 3-12-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-61 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed to parents and the placing agency. *(Division of*

Family and Children; 470 IAC 3-12-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-62 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-12-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-63 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Division of Family and Children; 470 IAC 3-12-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-64 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Division of Family and Children; 470 IAC 3-12-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-65 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. (*Division of Family and Children; 470 IAC 3-12-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-66 Care plan; program; medical services

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 66. (a) An institution which is licensed for more than ten (10) children and which provides a long term treatment program in addition to shelter care services shall provide a separate living unit for the shelter care service. Institutions in operation on the effective date of this rule shall have three (3) years to comply with the rule for a separate living unit; however, new institutions which plan to provide shelter care service shall comply prior to initial licensure.

(b) The child caring institution shall not maintain any child in shelter care service for longer than sixty (60) days.

(c) After sixty (60) days, a child shall be transferred to the child caring institution's long term program or be removed from the shelter care service if the child caring institution does not provide a long term program.

(d) The child caring institution shall assess each child's situation within twenty-four (24) hours or on the next working day of admission and shall develop a written care plan. The plan shall be developed in conjunction with the placing agency or with the parents or guardian.

(e) The written care plan shall include the following:

- (1) An assessment of the immediate needs of the child and family and the plan for meeting those needs.
- (2) A written plan which states how the children will be supervised during the children's sleeping hours.
- (3) The plan for visitation and telephone contact with family or significant others.
- (4) The plan for education as defined in section 60 of this rule.
- (5) The anticipated length of stay.
- (6) Any known court dates.
- (7) Any changes in the care plan and recorded observations made by direct care workers.

(f) Medical services shall be provided as follows:

- (1) At the time of admission, a health evaluation checklist furnished by the SBH shall be utilized by the child caring institution to determine obvious health problems of the child.
- (2) Any child suspected of being physically or sexually abused and who has not received medical attention shall receive a physical examination and communicable disease determination by a licensed physician immediately.
- (3) Any child suspected of having a communicable disease or chronic disease that needs constant therapy shall receive a physical examination by a licensed physician within forty-eight (48) hours of admission to the child caring institution.
- (4) All other children shall have a physical examination and communicable disease determination by a licensed physician or nurse practitioner three (3) months prior to placement or within thirty (30) days after admission.
- (5) The child caring institution shall have an agreement with an on-call licensed physician and the ability to arrange for emergency medical and dental examination and treatment.

(*Division of Family and Children; 470 IAC 3-12-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-67 Discharge

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

- (1) A written summary report of the care received by the child including any recommendations for the child and family.
- (2) The date and reasons for discharge.
- (3) The name, address, telephone number, and relationship of the person or agency to whom the child is released.
- (b) The summary report shall be provided to the placing agency at the time of discharge.

(c) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. (*Division of Family and Children; 470 IAC 3-12-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-68 Services to families

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain on going contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the care plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. (*Division of Family and Children; 470 IAC 3-12-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-69 Health program requirements; written plan

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. (*Division of Family and Children; 470 IAC 3-12-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-70 Medical services; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. (*Division of Family and Children; 470 IAC 3-12-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-71 First aid policies and practices

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

- (1) Poisoning.
- (2) Seizures.
- (3) Hemorrhaging.
- (4) Artificial respiration.
- (5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

- (1) A telephone.
 - (2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.
 - (3) The telephone numbers for ambulance services, the local fire department, and the poison control center.
 - (4) The "Red Cross First Aid Manual" or its equivalent.
 - (5) First aid supplies, as specified by the child caring institution's consulting licensed physician.
- (e) Staff members shall observe children for signs of illness or injury.
- (f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff.

(Division of Family and Children; 470 IAC 3-12-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-72 Medication; disbursement, application

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, date filled, physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

- (1) The date and time of day when medication is given.
- (2) Why it is given.
- (3) How much is given.
- (4) By whom administered.

(Division of Family and Children; 470 IAC 3-12-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-73 Psychotropic medication

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the care plan. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-12-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-74 Storage of medication

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not

accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". (*Division of Family and Children; 470 IAC 3-12-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-75 Health requirements for staff members

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 75. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(*Division of Family and Children; 470 IAC 3-12-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-76 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 76. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one

(1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

- (3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.
- (4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.
- (5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.
- (6) Approve, in writing by a physician, all special or therapeutic diets.
- (7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.
- (g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.
- (h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.
 - (i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.
 - (j) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.], food service sanitation requirements, as adopted on November 3, 1983, and any successive changes.
 - (k) The institution shall keep a copy of 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.] in the kitchen at all times for reference.
 - (l) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.
 - (m) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.
 - (n) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.
 - (o) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.
 - (p) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.
 - (q) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (j) through (p):
 - (1) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.
 - (2) The kitchen shall be equipped with the following:
 - (A) A stove.
 - (B) A refrigerator.
 - (C) Closed cabinets for food and utensil storage.
 - (D) A two (2) compartment sink and an automatic dishwasher, or a three (3) compartment sink.
 - (E) Light and ventilation.
 - (F) Walls and ceilings that are smooth and easily washed.
 - (G) Counter surfaces that are smooth and free of cracks and seams.

(Division of Family and Children; 470 IAC 3-12-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-77 Building, grounds, and equipment

Authority: IC 12-13-5-3

Affected: IC 12-17.4

- Sec. 77. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.
- (b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.
 - (c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.
 - (d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.
 - (e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as

needed, and sufficiently varied to meet the needs of the children according to age, size, and social development. (*Division of Family and Children; 470 IAC 3-12-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-78 Space requirements; furnishings

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 78. (a) The child caring institution shall provide the following:

- (1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.
- (2) Indoor play space for younger children separate and apart from that provided for older children.
- (3) Space for children to study and read.

(b) The child caring institution shall provide the following:

- (1) Separate sleeping quarters for male and female children.
- (2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.
- (3) At least three (3) feet of space between sides and ends of each single bed.
- (4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

- (1) Mattress protection pad.
- (2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.
- (3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.
- (4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

- (1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.
- (2) A room which is well-ventilated and heated.
- (3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(g) The child caring institution shall provide furnishings which are as follows:

- (1) Safe and room appropriate for use.
- (2) Maintained and repaired as needed.
- (3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(h) The child caring institution shall provide a study area which includes the following:

- (1) Tables or desks.
- (2) Chairs.
- (3) Appropriate lighting for reading.

(*Division of Family and Children; 470 IAC 3-12-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1999; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-79 Maintenance and safety

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 79. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

- (1) Keep poisons and harmful chemicals under lock.

- (2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.
- (3) Prohibit the storage and use of firearms on the property.
- (4) Provide adult supervision whenever power equipment is being used by children.
- (5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.
- (c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. (*Division of Family and Children; 470 IAC 3-12-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1999; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-80 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. (*Division of Family and Children; 470 IAC 3-12-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2000; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-81 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. (*Division of Family and Children; 470 IAC 3-12-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2000; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-82 Swimming pools

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 82. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. (*Division of Family and Children; 470 IAC 3-12-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-83 Pets

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 83. Pets which are a potential source of rabies shall be immunized as needed against rabies. (*Division of Family and Children; 470 IAC 3-12-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-84 Fire prevention and building safety plan, design, and construction

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 84. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. (*Division of Family and Children; 470 IAC 3-12-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-12-85 Heat, light, and ventilation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 85. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters, shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(Division of Family and Children; 470 IAC 3-12-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-86 Electrical equipment, plumbing, and combustible materials

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 86. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. *(Division of Family and Children; 470 IAC 3-12-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-87 Halls, windows, doors, and exits

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 87. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. *(Division of Family and Children; 470 IAC 3-12-87; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2002; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-88 Safety equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 88. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. (*Division of Family and Children; 470 IAC 3-12-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2002; errata filed Jul 1, 1991, 11:00 a.m.: 14 IR 2066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 13. Private Secure Facilities

470 IAC 3-13-1 Applicability

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all institutions licensed by the SDPW as private secure facilities.

(b) Group homes shall not be licensed as private secure facilities.

(c) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

(1) A license to operate an institution under 470 IAC 3-11.

(2) A license to operate an emergency shelter care under 470 IAC 3-12.

(3) A license to operate an institution under 470 IAC 3-11 and a license to operate an emergency shelter care under 470 IAC 3-12.

(4) A license to operate an institution under 470 IAC 3-11 and a license to operate a private secure facility under this rule.

(5) A license to operate an institution under 470 IAC 3-11, a license to operate an emergency shelter care under 470 IAC 3-12, and a license to operate a private secure facility under this rule.

(*Division of Family and Children; 470 IAC 3-13-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-2 "Administrator" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. (*Division of Family and Children; 470 IAC 3-13-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-3 "Admission" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. (*Division of Family and Children; 470 IAC 3-13-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-4 "Application" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. (*Division of Family and Children; 470 IAC 3-13-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

- (1) receiving and caring for dependent children, children in need of services, or delinquent children; or
- (2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(*Division of Family and Children; 470 IAC 3-13-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-6 "Communicable disease" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. (*Division of Family and Children; 470 IAC 3-13-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-7 "Confinement room" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. (*Division of Family and Children; 470 IAC 3-13-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-8 "Corporal punishment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. (*Division of Family and Children; 470 IAC 3-13-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-9 “Emergency shelter” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, “emergency shelter” means a short term place of residence, other than a secure facility that:
(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(Division of Family and Children; 470 IAC 3-13-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-10 “Food service” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, “food service” means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-13-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-11 “FPBSC” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, “FPBSC” means the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-13-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-12 “Governing body” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, “governing body” means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Division of Family and Children; 470 IAC 3-13-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-13 “Group home” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, “group home” means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Division of Family and Children; 470 IAC 3-13-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-14 “Institution” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, “institution” means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under 470 IAC 3-11 or 470 IAC 3-12. *(Division of Family and Children; 470 IAC 3-13-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-15 “License” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, “license” means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. (*Division of Family and Children; 470 IAC 3-13-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-16 “Living unit” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, “living unit” means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. (*Division of Family and Children; 470 IAC 3-13-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-17 “Mechanical restraints” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, “mechanical restraints” means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. (*Division of Family and Children; 470 IAC 3-13-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-18 “Needs assessment” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, “needs assessment” means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. (*Division of Family and Children; 470 IAC 3-13-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-19 “Parent agency” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, “parent agency” means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. (*Division of Family and Children; 470 IAC 3-13-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-20 “Placing agency” defined

Authority: IC 12-13-5-3
Affected: IC 12-7-2-31; IC 12-17.4

Sec. 20. As used in this rule, “placing agency” means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 [IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.], who places a child into a child caring institution. (*Division of Family and Children; 470 IAC 3-13-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-21 “Placing parent or guardian” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, “placing parent or guardian” means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. (*Division of Family and Children; 470 IAC 3-13-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-22 “Private secure facility” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, “private secure facility” means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. (*Division of Family and Children; 470 IAC 3-13-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-23 “Program director” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, “program director” means the staff person responsible for the development, implementation, and supervision of the treatment programs. (*Division of Family and Children; 470 IAC 3-13-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-24 “Provisional license” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, “provisional license” means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. (*Division of Family and Children; 470 IAC 3-13-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-25 “Psychotropic medication” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, “psychotropic medication” means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. (*Division of Family and Children; 470 IAC 3-13-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-26 “SBH” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, “SBH” means the Indiana state board of health. (*Division of Family and Children; 470 IAC 3-13-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-27 “SDPW” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. (*Division of Family and Children; 470 IAC 3-13-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-28 "SFM" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. (*Division of Family and Children; 470 IAC 3-13-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-29 "Staff development" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. (*Division of Family and Children; 470 IAC 3-13-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-30 "Treatment plan" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. (*Division of Family and Children; 470 IAC 3-13-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-31 "Variance" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. (*Division of Family and Children; 470 IAC 3-13-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-32 "Waiver" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. (*Division of Family and Children; 470 IAC 3-13-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The institution shall submit a separate application for each license required.
(b) An institution shall meet all of the following conditions prior to being licensed as a private secure facility:

(1) The institution shall have been licensed for five (5) consecutive years as an institution and shall have provided a continuum of care or a full program of long term residential treatment during this same five (5) year period.

(2) Institutions whose primary placement program and care plan is short term, twenty-four (24) hour temporary care for not more than sixty (60) consecutive days to an individual child do not qualify as meeting the requirements of providing a continuum of care or a full program of long term residential treatment.

(c) The maximum client capacity of a private secure facility shall be fifteen (15) per living unit.

(d) An application for a license to operate a private secure facility shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(e) An application for renewal of licensure shall be submitted annually to the SDPW by a private secure facility which wishes to have its license renewed.

(f) A newly licensed private secure facility shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(g) A private secure facility shall not care for children under the age of six (6) years of age.

(h) The license shall be posted in a conspicuous place in the private secure facility. (*Division of Family and Children; 470 IAC 3-13-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-34 Termination of license

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

(1) the name of the licensee changes;

(2) the type of child caring institution changes;

(3) the address of the child caring institution changes; or

(4) the capacity, age range, or gender of children served changes.

(b) A license shall be terminated whenever the child caring institution closes. (*Division of Family and Children; 470 IAC 3-13-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-35 Waivers and variances

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 35. A waiver or variance granted in conjunction with a license issued under 470 IAC 3-11, 470 IAC 3-12, 470 IAC 3-14, or 470 IAC 3-15 shall not constitute a waiver or variance for this rule. (*Division of Family and Children; 470 IAC 3-13-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-36 Reporting requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:

(1) Change in licensed capacity.

(2) Major alterations or changes in buildings or in use of rooms.

(3) Addition or termination of program services offered.

(4) Changes in administrative personnel.

(5) Termination of services.

(6) Changes in discipline policies.

(7) Changes in confinement room policies, if applicable.

(b) The child caring institution shall report the following changes or events immediately upon occurrence:

(1) A fire on the premises of the child caring institution.

(2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.

(3) Any communicable disease requiring hospitalization of a child.

(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 [IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.].

(Division of Family and Children; 470 IAC 3-13-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-37 Plan of operation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:

(1) Needs assessment.

(2) Purpose of child caring institution.

(3) Ages, gender, and type of children to be served.

(4) Location of child caring institution and geographic area from which children will be received.

(5) Type of buildings.

(6) Financial information regarding the following:

(A) New construction and maintenance of building.

(B) Operation of the child caring institution and child care program.

(C) Sources of income and fundraising methods.

(7) Program design for the children as follows:

(A) Emotional and social development.

(B) Education.

(C) Work program.

(D) Recreation.

(E) Nutrition.

(F) Medical and dental care.

(G) Clothing.

(H) Family involvement.

(I) Discipline.

(8) Administration is to include the following:

(A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.

(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.

(b) The child caring institution shall operate in accordance with the written plan of operation. *(Division of Family and Children; 470 IAC 3-13-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-38 Governing body

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) At least one (1) member of the governing body shall be knowledgeable or be responsible for the private secure facility.

(c) The administrator of the institution shall submit a written report to the governing body on all aspects of the private secure facility at least quarterly.

(d) Members of the governing body shall be permitted to visit the private secure facility and to speak to any employee or child in care.

(e) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Division of Family and Children; 470 IAC 3-13-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document evidence of these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

- (1) Salaries.
- (2) Food.
- (3) Clothing.
- (4) Child development and child care program.
- (5) Fixed expenses.
- (6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

- (1) Public liability.
- (2) Worker's compensation.
- (3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. (*Division of Family and Children; 470 IAC 3-13-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-40 Admission

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 40. (a) Children admitted to a private secure facility shall:

- (1) be six (6) years of age or older; and
 - (2) exhibit chronic behaviors that endanger themselves or others.
- (b) Admission policies shall be clearly defined and stated in writing.

(c) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. (*Division of Family and Children; 470 IAC 3-13-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-41 Placement agreement

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

- (1) Authorization to care for the child.
- (2) Provision for treatment plan reviews.
- (3) Financial plan for payment of care and services covered.

(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.
(Division of Family and Children; 470 IAC 3-13-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-42 Personnel policies

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.
(Division of Family and Children; 470 IAC 3-13-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-43 Record keeping; general

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access.
(Division of Family and Children; 470 IAC 3-13-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-44 Personnel records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.

(2) Name, address, and telephone number.

(3) Name, address, and telephone number of the person to be notified in the event of an emergency.

(4) Documentation of training, education, experience, and any other required qualifications.

(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.

(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.

(2) Annual report of Mantoux tuberculin test results.

(3) Annual evaluation of employee's performance.

(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.

(5) Dates of employment and termination with any reason for termination.

(6) Copies of any incident report involving the staff member.

(Division of Family and Children; 470 IAC 3-13-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

- (1) Name, address, and telephone number.
- (2) Name, address, and telephone number of the person to be notified in the event of an emergency.
- (3) Documentation of reference with an evaluation of the following:
 - (A) Ability, character, and suitability for working with children.
 - (B) Orientation and training, as required under section 54 of this rule.
- (4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Division of Family and Children; 470 IAC 3-13-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:

- (1) Name.
- (2) Sex.
- (3) Date of birth.
- (4) Name, address, and marital status of both parents.
- (5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
- (6) Religious information necessary to provide appropriate services.
- (7) Information upon which the admission decision was based.
- (8) Name of agencies which have had contact with the child and the family and dates of contacts.
- (9) Name and address of person or placing agency requesting admission.
- (10) Date of admission.
- (11) Written agreement with the placing agency or person.
- (12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
- (13) SDPW case plan, if applicable.
- (14) Initial assessment of child and family and resulting treatment plan.
- (15) Written quarterly progress reports and six (6) month treatment plan revisions.
- (16) Documentation of efforts to provide services to the child's family.
- (17) Documentation of any discipline of a child which results in an injury.
- (18) School report, including teachers' evaluation of child's progress.
- (19) Report by any specialist, such as psychiatrist or psychologist, if applicable.
- (20) Discharge information required under section 67 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required under subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20). *(Division of Family and Children; 470 IAC 3-13-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-47 Employee qualifications; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 47. (a) All prospective employees or current institution employees shall complete a separate application for employment prior to working in the private secure facility.

(b) The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. (*Division of Family and Children; 470 IAC 3-13-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2010; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-48 Administrative and supervisory personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

(f) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(g) The program director shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus two (2) years of experience in child care services.

(h) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule shall have a master's degree in social work, psychology, or counseling from an accredited school plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(i) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child caring institution.

(3) A high school diploma and four (4) years of work experience in a child caring institution.

(*Division of Family and Children; 470 IAC 3-13-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2010; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-49 Professional personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology,

counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every fifteen (15) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers. *(Division of Family and Children; 470 IAC 3-13-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) A secure private facility shall have four (4) children to one (1) staff member or any fraction thereof for the direct care and supervision of children during waking hours when children are present.

(c) A secure private facility shall have two (2) awake staff at night for the direct supervision of children during sleeping hours.

(d) The secure private facility shall have at least two (2) direct care workers whenever one (1) or more children is present.

(e) The institution shall have a written plan and a telephone available for direct service workers to summon another staff member in case of an emergency without leaving the unit and without leaving another unit unattended.

(f) The institution shall have sufficient caseworkers for the unit to meet the counseling requirements of individual, group, or family counseling sessions for each child in care.

(g) These child-staff ratios shall be maintained at group off-grounds activities.

(h) Staff members responsible for the daily care and supervision of the children in the secure private facility shall have no responsibilities in addition to child care related activities when children are present. Children of staff members shall not be allowed to reside in the private secure unit. *(Division of Family and Children; 470 IAC 3-13-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-51 Volunteers

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Division of Family and Children; 470 IAC 3-13-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-52 Students

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Division of Family and Children; 470 IAC 3-13-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. (*Division of Family and Children; 470 IAC 3-13-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The institution shall provide all employees planned job orientation prior to assignment to the secure private facility.

(b) Staff development programs for secure private facility employees shall include, but not be limited to, the following:

- (1) Civil commitment proceedings.
- (2) Crisis management techniques.
- (3) Specific techniques for dealing with suicidal children.
- (4) Fire and safety emergency procedures.
- (5) Verbal deescalation and therapeutic physical restraint techniques, with review and practice sessions required every six (6) months.

(c) The child caring institution shall document that each staff member working directly with children receives training in the areas required under subsection (b), as well as the following areas:

- (1) Administrative procedures and overall program goals.
- (2) Principles and practices of child care.
- (3) Family relationships and the impact of separation.
- (4) Behavior management techniques.
- (5) Emergency and safety procedures.
- (6) Identification and reporting of child abuse and neglect.

(d) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. (*Division of Family and Children; 470 IAC 3-13-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. (*Division of Family and Children; 470 IAC 3-13-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-56 Personal items

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The institution may temporarily remove a child's personal items if these items could be used by the child to endanger or injure himself/herself or others and if the need to take this action has been identified in the treatment plan.

(g) The decision to temporarily remove a child's personal items shall be reviewed at least daily by the staff members responsible for the daily direct care and supervision of the child and by the caseworker and at least weekly by the total treatment team as provided under section 66 of this rule.

(h) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. (*Division of Family and Children; 470 IAC 3-13-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-57 Discipline and guidance

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

(2) Use of mechanical restraints.

(3) Undue confinement to bed.

(4) Deprivation of meals or snacks.

(5) Inappropriate assignment of work.

(6) Group discipline for an offense by an individual child.

(7) Any child or group of children punishing another child.

(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker.

(Division of Family and Children; 470 IAC 3-13-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-58 Confinement rooms

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child is in danger of harming himself or herself or others and has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

(1) Definition of the circumstances which justify the use of confinement.

(2) A maximum time period for each episode of confinement not to exceed one (1) hour unless extended as provided for in subsection (f).

(3) Record keeping of each confinement episode as noted in subsection (i).

(4) Clear designation of persons who have authority to approve or extend the confinement period.

(5) Directions for removal of all dangerous items from the child such as belts, shoelaces, jewelry, items in pockets, matches, and any other items which represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.

(g) An awake staff member in the immediate vicinity of the confinement room shall supervise the child at all times and shall make a visual check of the child at least every five (5) minutes.

(h) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the therapeutic value of each confinement episode, safety considerations, appropriate utilization of confinement, and adherence to the general policy of confinement as established under subsection (d).

(i) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

(1) The circumstances leading to confinement.

(2) The period of time a child was confined.

(3) The time of the visual checks.

(4) Behavioral observations of the child.

(5) Specific notation of any extension of confinement including reasons for the extension and by whom approval for extension was given.

(j) Notation of each confinement shall be placed in the individual case record of the child.

(k) Confinement rooms shall be constructed and maintained in the following manner:

(1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.

(2) Equipped and sized for therapeutic use with at least thirty-six (36) feet of floor space and eight (8) feet high ceilings.

(3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.

(4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.

(5) No functional electrical outlets are located in the room.

(6) A window is provided to allow for a visual check of the child without entering the room.

(7) Windows are secured and protected so as to prevent harm to the occupant.

(8) Ceiling lights are provided, protected, and recessed.

(9) The room is heated, cooled, and ventilated as required under 675 IAC.

(10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.

(Division of Family and Children; 470 IAC 3-13-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-59 Mechanical restraints

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 59. (a) Mechanical restraints shall be used only if the child is a clear and present danger to himself/herself or others and therapeutic crisis intervention techniques have been attempted and failed or are diagnostically eliminated prior to use.

(b) If an institution uses mechanical restraints, the institution shall develop policies and procedures on their usage that include the following:

(1) Description of the types of mechanical restraints used.

(2) Criteria for use.

(3) Staff authorized to approve use.

(4) Staff authorized and trained to apply restraints.

(5) Procedures for application.

(6) Staff training requirements.

(7) Time limitations on use.

(8) Monitoring requirements while child is in restraints.

(c) Documentation of mechanical restraint training shall be in each employee's personnel record.

(d) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved by the SDPW.

(e) A record shall be maintained of each incident of mechanical restraint and placed in the child's record that includes the following information:

(1) Date and time of incident.

(2) Name of child.

(3) Form of restraint used.

(4) Length of time in restraint.

(5) Name and title of person who authorized use of restraint.

(6) Name and title of person applying the restraint.

(7) Name of person responsible for monitoring the child while in restraints.

(8) Description of child's behavior prior to, during, and after use of restraints.

(9) Treatment team assessment of the effectiveness of the restraint and future alternatives.

(Division of Family and Children; 470 IAC 3-13-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2014; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-60 Education

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 [511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.] with help in the selection of an occupation and in arrangements for necessary

vocational training or education, provided that the child will benefit from such training or education. (*Division of Family and Children; 470 IAC 3-13-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-61 Religion

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. (*Division of Family and Children; 470 IAC 3-13-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-62 Work experience

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. (*Division of Family and Children; 470 IAC 3-13-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-63 Recreation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. (*Division of Family and Children; 470 IAC 3-13-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-64 Visiting; correspondence

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right

to withhold a child's correspondence without a court order. (*Division of Family and Children; 470 IAC 3-13-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-65 Transportation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. (*Division of Family and Children; 470 IAC 3-13-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-66 Treatment plan

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 66. (a) Children placed in a secure private facility shall have an initial written treatment plan within ten (10) working days of admission to the unit.

(b) The treatment plan requirements shall be as follows:

(1) A specific caseworker shall be assigned to each child in the unit.

(2) Individual, group, or family counseling sessions shall be provided to each child at least three (3) times a week with other sessions available as needed.

(3) At least one (1) caseworker or supervisor assigned to the unit shall be on call twenty-four (24) hours a day and be available to provide on-site services as needed.

(c) At least monthly reviews shall be written for each child in care to assess the need for a continued secure program.

(d) A written summary of the monthly reviews shall be sent to the placing agency. The summary shall include the following assessments:

(1) The condition of the child.

(2) The incidents that indicate the child is gravely disabled or dangerous to self and others.

(3) The estimated time that the child needs to remain in the secure private facility.

(4) A review of the medical and physical status of the child by a licensed practical nurse or other appropriately licensed medical professional.

(e) The child caring institution shall involve staff members who provide direct care, social services, education, recreation, and health services in developing and implementing the treatment plan for the child and the family.

(f) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(g) The treatment plan shall include an assessment of the following with the child and family:

(1) Needs.

(2) Strengths.

(3) Weaknesses.

(4) Problem areas.

(h) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:

(1) Education.

(2) Daily living activities.

(3) Any specialized recreation.

(4) Any specialized services, such as counseling.

(5) Family involvement and plan for visitation.

(6) The projected length of stay.

(i) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care, the child caring institution shall provide or arrange for appropriate consultation and treatment.

(j) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.

(k) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency. (*Division of Family and Children; 470 IAC 3-13-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; errata filed Sep 9, 1991, 10:45 a.m.: 15 IR 10; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-67 Discharge

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

(1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.

(2) Recommendations for the child and family following discharge.

(3) The date and reasons for discharge.

(4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. (*Division of Family and Children; 470 IAC 3-13-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-68 Services to families

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. (*Division of Family and Children; 470 IAC 3-13-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-69 Health program requirements; written plan

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. (*Division of Family and Children; 470 IAC 3-13-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-70 Medical services; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. (*Division of Family and Children; 470 IAC 3-13-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-71 First aid policies and practices

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

- (1) Poisoning.
- (2) Seizures.
- (3) Hemorrhaging.
- (4) Artificial respiration.
- (5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

- (1) A telephone.
- (2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.
- (3) The telephone numbers for ambulance services, the local fire department, and the poison control center.
- (4) The "Red Cross First Aid Manual" or its equivalent.
- (5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff. (*Division of Family and Children; 470 IAC 3-13-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-72 Medication; disbursement, application

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

- (1) The date and time of day when medication is given.
- (2) Why it is given.
- (3) How much is given.

(4) By whom administered.

(Division of Family and Children; 470 IAC 3-13-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-73 Psychotropic medication

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-13-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-74 Storage of medication

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-13-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-75 Health requirements for children

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

(1) Health history.

(2) Physical examination.

(3) Vision and hearing screening.

(4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.

(5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.

(6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.

(7) A health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child shall receive a dental examination from a licensed dentist as follows:

- (1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.
- (2) Annually.
- (3) Whenever an interim condition indicates the need for examination or treatment.
- (d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.
- (e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.
- (f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.
- (g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.
- (h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.
 - (i) Adequate documentation of an immunization history shall consist of one (1) of the following:
 - (1) A licensed physician's certificate including the number and dates of doses administered.
 - (2) Immunization records forwarded from a school corporation including the number and dates of doses administered.
 - (3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.
 - (j) If a licensed physician certifies in writing that a particular immunization required under this section is detrimental, or may be detrimental, to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer to be detrimental to the child's health.
 - (k) The child caring institution shall maintain a health record for each child. The record shall include the following:
 - (1) Admission and periodic health and dental examination information.
 - (2) A licensed physician's written instructions with regard to special dietary or health care required.
 - (3) Record of all medications and treatments.
 - (4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Division of Family and Children; 470 IAC 3-13-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-76 Health requirements for staff members

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 76. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees. *(Division of Family and Children; 470 IAC 3-13-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2019; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-77 Nutrition and food service; menus; vendor service; education

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring

institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve, in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(8) Snack foods shall be available in the private secure facility.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.

(j) All sharp utensils shall be kept locked when not in use by staff. No child shall use or have access to sharp utensils.

(k) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.], food service sanitation requirements, as adopted November 3, 1983, and any successive changes.

(l) The institution shall keep a copy of 410 IAC 7-15.1 [410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.] in the kitchen at all times for reference.

(m) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.

(n) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.

(o) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.

(p) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.

(q) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.

(r) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (k) through (q):

(1) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(2) The kitchen shall be equipped with the following:

(A) A stove.

(B) A refrigerator.

(C) Closed cabinets for food and utensil storage.

(D) A two (2) compartment sink and an automatic dishwasher, or a three (3) compartment sink.

(E) Light and ventilation.

(F) Walls and ceilings that are smooth and easily washed.

(G) Counter surfaces that are smooth and free of cracks and seams.

(Division of Family and Children; 470 IAC 3-13-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2020; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-78 Building, grounds, and equipment

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 78. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe and sufficiently varied to meet the needs of the children according to age, size, and social development. *(Division of Family and Children; 470 IAC 3-13-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2021; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-79 Space requirements; furnishings

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 79. (a) No more than two (2) children shall occupy a bedroom. If an institution is providing a private secure facility on the effective date of this rule and the same living unit continues to be used as a private secure facility, the institution shall have three (3) years to comply with this subsection.

(b) Bedrooms shall not be used as locked isolation rooms.

(c) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(d) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of each bunk bed. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(e) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(f) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(g) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(h) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from

other rooms.

- (2) A room which is well-ventilated and heated.
- (3) Sanitation of all furnishings after each use for isolation for a communicable disease.
 - (i) The child caring institution shall provide furnishings which are as follows:
 - (1) Safe and room appropriate for use.
 - (2) Maintained and repaired as needed.
 - (3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.
 - (j) The child caring institution shall provide a study area which includes the following:
 - (1) Tables or desks.
 - (2) Chairs.
 - (3) Appropriate lighting for reading.

(Division of Family and Children; 470 IAC 3-13-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2021; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-80 Maintenance and safety

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 80. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following maintenance and safety precautions:

- (1) Keep poisons and harmful chemicals under lock.
- (2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.
- (3) Prohibit the storage and use of firearms on the property.
- (4) Provide adult supervision whenever power equipment is being used by children.
- (5) Maintain or repair outdoor play space, grounds, and equipment of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-13-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2022; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-81 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 81. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. (*Division of Family and Children; 470 IAC 3-13-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2022; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-82 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 82. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. (*Division of Family and Children; 470 IAC 3-13-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-83 Swimming pools

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 83. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. (*Division of Family and Children; 470 IAC 3-13-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-84 Pets

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 84. Pets which are a potential source of rabies shall be immunized as needed against rabies. (*Division of Family and Children; 470 IAC 3-13-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-85 Fire prevention and building safety plan, design, and construction

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 85. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. (*Division of Family and Children; 470 IAC 3-13-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-86 Heat, light, and ventilation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 86. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table-top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters, shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(*Division of Family and Children; 470 IAC 3-13-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-87 Electrical equipment, plumbing, and combustible materials

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 87. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules, and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. (*Division of Family and Children; 470 IAC 3-13-87; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-88 Halls, windows, doors, and exits

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 88. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. (*Division of Family and Children; 470 IAC 3-13-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-13-89 Safety equipment and procedures

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 89. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. (*Division of Family and Children; 470 IAC 3-13-89; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2025; errata filed Jul 1, 1991, 11:00 a.m.: 14 IR 2066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 14. Children's Homes and Child Caring Institutions Defined as Group Homes

470 IAC 3-14-1 Applicability

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as group homes caring for ten (10) or less children.

(b) A licensee caring for ten (10) or less children may be issued and hold one (1) of the following combinations of licenses concurrently within a single facility:

- (1) A license to operate a group home under this rule.
- (2) A license to operate an emergency shelter under 470 IAC 3-15.
- (3) A license to operate a group home under this rule and a license to operate an emergency shelter under 470 IAC 3-15.
- (c) The group home shall be a one (1) or two (2) family dwelling and shall be one (1) of the following:
 - (1) A single facility without affiliation with an institution.
 - (2) A facility affiliated with an institution and located apart from the institution.

(Division of Family and Children; 470 IAC 3-14-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2025; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-2 “Administrator” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 2. As used in this rule, “administrator” means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Division of Family and Children; 470 IAC 3-14-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-3 “Admission” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 3. As used in this rule, “admission” means the process of entering a child in a child caring institution. *(Division of Family and Children; 470 IAC 3-14-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-4 “Application” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 4. As used in this rule, “application” means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Division of Family and Children; 470 IAC 3-14-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-5 “Children's home” or “child caring institution” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 5. As used in this rule, “children's home” or “child caring institution” means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

- (1) receiving and caring for dependent children, children in need of services, or delinquent children; or
- (2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Division of Family and Children; 470 IAC 3-14-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-6 “Communicable disease” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 6. As used in this rule, “communicable disease” means an illness due to an infectious agent or its toxic products which

is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. (*Division of Family and Children; 470 IAC 3-14-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-7 “Confinement room” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, “confinement room” means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. (*Division of Family and Children; 470 IAC 3-14-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-8 “Corporal punishment” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, “corporal punishment” means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. (*Division of Family and Children; 470 IAC 3-14-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-9 “Emergency shelter” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, “emergency shelter” means a short term place of residence, other than a secure facility that:

(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and

(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(*Division of Family and Children; 470 IAC 3-14-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-10 “Food service” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, “food service” means the preparation and serving of meals and snacks. (*Division of Family and Children; 470 IAC 3-14-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-11 “FPBSC” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, “FPBSC” means the fire prevention and building safety commission. (*Division of Family and Children; 470 IAC 3-14-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-12 “Governing body” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, “governing body” means the person, or group of persons, which has the ultimate administrative,

fiscal, and managerial control of a child caring institution. (*Division of Family and Children; 470 IAC 3-14-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-13 “Group home” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 13. As used in this rule, “group home” means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. (*Division of Family and Children; 470 IAC 3-14-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-14 “Institution” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 14. As used in this rule, “institution” means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under 470 IAC 3-11 or 470 IAC 3-12. (*Division of Family and Children; 470 IAC 3-14-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-15 “License” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 15. As used in this rule, “license” means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. (*Division of Family and Children; 470 IAC 3-14-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-16 “Living unit” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 16. As used in this rule, “living unit” means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. (*Division of Family and Children; 470 IAC 3-14-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-17 “Mechanical restraints” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 17. As used in this rule, “mechanical restraints” means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. (*Division of Family and Children; 470 IAC 3-14-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-18 “Needs assessment” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 18. As used in this rule, “needs assessment” means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. (*Division of Family and Children; 470 IAC 3-14-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-19 “Parent agency” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 19. As used in this rule, “parent agency” means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. (*Division of Family and Children; 470 IAC 3-14-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-20 “Placing agency” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 20. As used in this rule, “placing agency” means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*], who places a child into a child caring institution. (*Division of Family and Children; 470 IAC 3-14-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-21 “Placing parent or guardian” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 21. As used in this rule, “placing parent or guardian” means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. (*Division of Family and Children; 470 IAC 3-14-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-22 “Private secure facility” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, “private secure facility” means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. (*Division of Family and Children; 470 IAC 3-14-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-23 “Program director” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 23. As used in this rule, “program director” means the staff person responsible for the development, implementation, and supervision of the treatment programs. (*Division of Family and Children; 470 IAC 3-14-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-24 “Provisional license” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 24. As used in this rule, “provisional license” means a license issued to a child caring institution which is temporarily

unable to conform to all rules of the SDPW. (*Division of Family and Children; 470 IAC 3-14-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-25 “Psychotropic medication” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, “psychotropic medication” means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. (*Division of Family and Children; 470 IAC 3-14-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-26 “SBH” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, “SBH” means the Indiana state board of health. (*Division of Family and Children; 470 IAC 3-14-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-27 “SDPW” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, “SDPW” means the state department of public welfare. (*Division of Family and Children; 470 IAC 3-14-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-28 “SFM” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, “SFM” means the office of the state fire marshal. (*Division of Family and Children; 470 IAC 3-14-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-29 “Staff development” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, “staff development” means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. (*Division of Family and Children; 470 IAC 3-14-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-30 “Treatment plan” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, “treatment plan” means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. (*Division of Family and Children; 470 IAC 3-14-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-31 “Variance” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, “variance” means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. (*Division of Family and Children; 470 IAC 3-14-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-32 “Waiver” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, “waiver” means official permission granted by the SDPW not to meet a specific regulation. (*Division of Family and Children; 470 IAC 3-14-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(b) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.

(c) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(d) A child caring institution shall not care for children under the age of six (6) years.

(e) The license shall be posted in a conspicuous place in the child caring institution. (*Division of Family and Children; 470 IAC 3-14-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-34 Termination of license

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

- (1) the name of the licensee changes;
- (2) the type of child caring institution changes;
- (3) the address of the child caring institution changes; or
- (4) the capacity, age range, or gender of children served changes.

(b) A license shall be terminated whenever the child caring institution closes. (*Division of Family and Children; 470 IAC 3-14-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-35 Waivers and variances

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:

- (1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.
 - (2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.
- (b) The SDPW shall review the written request based on but not limited to the following:
- (1) On-site review, if applicable.

- (2) Written documentation.
- (3) Review of the requests by SDPW field consultants and administration.
- (4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.

(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.

(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. (*Division of Family and Children; 470 IAC 3-14-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-36 Reporting requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:

- (1) Change in licensed capacity.
- (2) Major alterations or changes in buildings or in use of rooms.
- (3) Addition or termination of program services offered.
- (4) Changes in administrative personnel.
- (5) Termination of services.
- (6) Changes in discipline policies.
- (7) Changes in confinement room policies, if applicable.

(b) The child caring institution shall report the following changes or events immediately upon occurrence:

- (1) A fire on the premises of the child caring institution.
- (2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.
- (3) Any communicable disease requiring hospitalization of a child.
- (4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 [*IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.*].
- (5) A court ordered placement that results in an excess in the number of children authorized by the license.

(*Division of Family and Children; 470 IAC 3-14-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-37 Plan of operation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:

- (1) Needs assessment.
- (2) Purpose of child caring institution.
- (3) Ages, gender, and type of children to be served.
- (4) Location of child caring institution and geographic area from which children will be received.
- (5) Type of buildings.
- (6) Financial information regarding the following:
 - (A) New construction and maintenance of building.
 - (B) Operation of the child caring institution and child care program.
 - (C) Sources of income and fundraising methods.
- (7) Program design for the children as follows:
 - (A) Emotional and social development.
 - (B) Education.
 - (C) Work program.
 - (D) Recreation.
 - (E) Nutrition.

- (F) Medical and dental care.
- (G) Clothing.
- (H) Family involvement.
- (I) Discipline.

(8) Administration is to include the following:

(A) Identification of the governing body or members of the board of Directors including full name, address, and occupation of each.

(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.

(b) The child caring institution shall operate in accordance with the written plan of operation. (*Division of Family and Children; 470 IAC 3-14-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-38 Governing body

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. (*Division of Family and Children; 470 IAC 3-14-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

- (1) Salaries.
- (2) Food.
- (3) Clothing.
- (4) Child development and child care program.
- (5) Fixed expenses.
- (6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

- (1) Public liability.
- (2) Worker's compensation.
- (3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or volunteer. (*Division of Family and Children; 470 IAC 3-14-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing.

(b) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. (*Division of Family and Children; 470 IAC 3-14-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

- (1) Authorization to care for the child.
- (2) Provision for treatment plan reviews.
- (3) The financial plan for payment of care and services covered.
- (4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(*Division of Family and Children; 470 IAC 3-14-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

- (b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.
- (c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

- (e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.

(*Division of Family and Children; 470 IAC 3-14-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

- (b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access. (*Division of Family and Children; 470 IAC 3-14-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-44 Personnel records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

- (1) Application.
- (2) Name, address, and telephone number.
- (3) Name, address, and telephone number of the person to be notified in the event of an emergency.
- (4) Documentation of training, education, experience, and any other required qualifications.
- (5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
- (6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

- (1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
- (2) Annual report of Mantoux tuberculin test results.
- (3) Annual evaluation of employee's performance.
- (4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
- (5) Dates of employment and termination with any reason for termination.
- (6) Copies of any incident report involving the staff member.

(d) If the personnel records are maintained at an office located apart from the group home residence, a copy of the health record of the direct care worker and the name, address, and telephone numbers of the person to be notified in the event of an emergency shall be kept on the premises of the group home. (*Division of Family and Children; 470 IAC 3-14-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-45 Volunteer records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

- (1) Name, address, and telephone number.
- (2) Name, address, and telephone number of the person to be notified in the event of an emergency.
- (3) Documentation of reference with an evaluation of the following:
 - (A) Ability, character, and suitability for working with children.
 - (B) Orientation and training, as required under section 54 of this rule.
- (4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(*Division of Family and Children; 470 IAC 3-14-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2032; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-46 Child's records

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:

- (1) Name.
- (2) Sex.
- (3) Date of birth.
- (4) Name, address, and marital status of both parents.
- (5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
- (6) Religious information necessary to provide appropriate services.
- (7) Information upon which the admission decision was based.

- (8) Name of agencies which have had contact with the child and the family and dates of contacts.
- (9) Name and address of person or placing agency requesting admission.
- (10) Date of admission.
- (11) Written agreement with the placing agency or person.
- (12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
- (13) SDPW case plan, if applicable.
- (14) Initial assessment of child and family and resulting treatment plan.
- (15) Written quarterly progress reports and six (6) month treatment plan revisions.
- (16) Documentation of efforts to provide services to the child's family.
- (17) Documentation of any discipline of a child which results in an injury.
- (18) School report, including teachers' evaluation of child's progress.
- (19) Report by any specialist, such as psychiatrist or psychologist, if applicable.
- (20) Discharge information required under section 65 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20).

(e) If the children's records are maintained at an office located apart from the group home residence, a copy of the treatment plan and subsequent revisions and all health records shall be kept on the premises of the group home. (*Division of Family and Children; 470 IAC 3-14-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2032; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-47 Employee qualifications; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 [*470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.*], is exempted from this rule. (*Division of Family and Children; 470 IAC 3-14-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-48 Administrative personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age.

(e) The staff member responsible for the general management and administration of the group home shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school and one (1) year of experience in child care services.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in child care services, including at least one (1) year of experience in a supervisory capacity.

(f) If the group home is owned and administered by a parent agency and the parent agency employs an administrator who meets the qualifications of this section, the group home need not employ a separate administrator; however, the parent agency shall

provide supervision of the group home by a person meeting at least the qualifications of a caseworker as defined in section 49 of this rule.

(g) The position of administrator shall be a full-time position if the administrator is responsible for the administrative, service, and supervisory functions required under this section.

(h) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator. *(Division of Family and Children; 470 IAC 3-14-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-49 Professional personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) Professional services required for residents of group homes may be provided by one (1) of the following:

- (1) Direct employment of qualified staff.
- (2) Contract with qualified staff.
- (3) Qualified staff from the parent agency.
- (4) A community mental health clinic.
- (5) The child placing agency.
- (6) The administrator.

(Division of Family and Children; 470 IAC 3-14-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) The group home shall count all children who live with their parents at the group home in determining the child-staff ratio and in the licensed capacity of the group home. A house-parent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 [470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.], is exempted from the specific requirements for these child-staff ratios.

(c) At least one (1) direct care worker shall be on duty in the group home at all times when children are present.

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, there shall be at least two (2) direct care workers on duty at all times when the children under eight (8) years of age are present whether the children are awake or asleep.

(e) When a group of ten (10) or fewer children is under the care of one (1) employee, the group home shall have a written plan for that employee to summon another adult to assist in case of an emergency without leaving the children unattended.

(f) The same child-staff ratios shall be maintained for group off-campus activities. *(Division of Family and Children; 470 IAC 3-14-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-51 Volunteers

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

- (1) Reference checks.
- (2) Supervision by a paid staff member.
- (3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Division of Family and Children; 470 IAC 3-14-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Division of Family and Children; 470 IAC 3-14-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Division of Family and Children; 470 IAC 3-14-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this subsection.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

- (1) Administrative procedures and overall program goals.
- (2) Principles and practices of child care.
- (3) Family relationships and the impact of separation.

- (4) Behavior management techniques.
- (5) Emergency and safety procedures.
- (6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. (*Division of Family and Children; 470 IAC 3-14-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. (*Division of Family and Children; 470 IAC 3-14-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. (*Division of Family and Children; 470 IAC 3-14-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-57 Discipline and guidance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

- (3) Any humiliating or frightening method to control the actions of any child or group of children.
- (e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.
- (f) The use of a confinement room and the use of mechanical restraints are prohibited in a group home.
- (g) The child caring institution shall prohibit, as a method of discipline, the following:
 - (1) Confinement to a locked or dark room.
 - (2) Use of mechanical restraints.
 - (3) Undue confinement to bed.
 - (4) Deprivation of meals or snacks.
 - (5) Inappropriate assignment of work.
 - (6) Group discipline for an offense by an individual child.
 - (7) Any child or group of children punishing another child.
 - (8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker.

(Division of Family and Children; 470 IAC 3-14-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-58 Education

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 58. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 [511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.] with help in the selection of an occupation and in arrangements for necessary vocational training or education, provided that the child will benefit from such training or education. *(Division of Family and Children; 470 IAC 3-14-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-59 Religion

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 59. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. *(Division of Family and Children; 470 IAC 3-14-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-60 Work experience

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 60. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-14-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

IR 4235)

470 IAC 3-14-61 Recreation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. (*Division of Family and Children; 470 IAC 3-14-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-62 Visiting; correspondence

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 62. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. (*Division of Family and Children; 470 IAC 3-14-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-63 Transportation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 63. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. (*Division of Family and Children; 470 IAC 3-14-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-64 Treatment plan

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have completed a written treatment plan for each child within forty-five (45) days of admission and shall provide a copy of the plan to the placing agency or placing parent or guardian.

(b) The child caring institution shall involve staff members who provide direct care, social services, education, recreation,

and health services in developing and implementing the treatment plan for the child and the family.

(c) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(d) The treatment plan shall include an assessment of the following with the child and family:

- (1) Needs.
- (2) Strengths.
- (3) Weaknesses.
- (4) Problem areas.

(e) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:

- (1) Education.
- (2) Daily living activities.
- (3) Any specialized recreation.
- (4) Any specialized services, such as counseling.
- (5) Family involvement and plan for visitation.
- (6) The projected length of stay.

(f) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care, the child caring institution shall provide or arrange for appropriate consultation and treatment.

(g) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.

(h) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency.

(i) The child caring institution shall provide a written summary of each quarterly review to the placing agency or placing parent or guardian. (*Division of Family and Children; 470 IAC 3-14-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-65 Discharge

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 65. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

- (1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.
- (2) Recommendations for the child and family following discharge.
- (3) The date and reasons for discharge.
- (4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. (*Division of Family and Children; 470 IAC 3-14-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-66 Services to families

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. (*Division of Family and Children; 470 IAC 3-14-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-67 Health program requirements; written plan

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 67. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. (*Division of Family and Children; 470 IAC 3-14-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-68 Medical services; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. (*Division of Family and Children; 470 IAC 3-14-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-69 First aid policies and practices

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

- (1) Poisoning.
- (2) Seizures.
- (3) Hemorrhaging.
- (4) Artificial respiration.
- (5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

- (1) A telephone.
- (2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.
- (3) The telephone numbers for ambulance services, the local fire department, and the poison control center.
- (4) The "Red Cross First Aid Manual" or its equivalent.
- (5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff. (*Division of Family and Children; 470 IAC 3-14-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-70 Medication; disbursement, application

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 70. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Division of Family and Children; 470 IAC 3-14-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-71 Psychotropic medication

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-14-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-72 Storage of medication

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 72. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-14-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-73 Health requirements for children

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

- (1) Health history.
 - (2) Physical examination.
 - (3) Vision and hearing screening.
 - (4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.
 - (5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.
 - (6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.
 - (7) Each child shall receive a health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.
- (c) Each child shall receive a dental examination from a licensed dentist as follows:
- (1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.
 - (2) Annually.
 - (3) Whenever an interim condition indicates the need for examination or treatment.
- (d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.
- (e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.
- (f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.
- (g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.
- (h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.
- (i) Adequate documentation of an immunization history shall consist of one (1) of the following:
- (1) A licensed physician's certificate including the number and dates of doses administered.
 - (2) Immunization records forwarded from a school corporation including the number and dates of doses administered.
 - (3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.
- (j) If a licensed physician certifies in writing that a particular immunization required in this section is, or may be, detrimental to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer detrimental to the child's health.
- (k) The child caring institution shall maintain a health record for each child. The record shall include the following:
- (1) Admission and periodic health and dental examination information.
 - (2) A licensed physician's written instructions with regard to special dietary or health care required.
 - (3) Record of all medications and treatments.
 - (4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Division of Family and Children; 470 IAC 3-14-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-74 Health requirements for staff members

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 74. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three

(3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Division of Family and Children; 470 IAC 3-14-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2040; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-75 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one

(1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(j) The kitchen shall be equipped with the following:

- (1) A stove.
- (2) A refrigerator.
- (3) Closed cabinets for food and utensil storage.
- (4) A two (2) compartment sink and automatic dishwasher or a three (3) compartment sink.
- (5) Light and ventilation.
- (6) Walls and ceilings that are smooth and easily washed.
- (7) Counter surfaces that are smooth and free of cracks and seams.
- (k) Refrigerators shall be maintained at a temperature of forty-five degrees Fahrenheit (45°F) or below.
- (l) Freezers shall be maintained at temperature of zero degrees Fahrenheit (0°F) or below.

(m) Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer located in a position for daily monitoring. (*Division of Family and Children; 470 IAC 3-14-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2041; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-76 Building, grounds, and equipment

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 76. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) A child caring institution shall provide safe and protected outdoor playground space.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and shall be sufficiently varied to meet the needs of the children according to age, size, and social development. (*Division of Family and Children; 470 IAC 3-14-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-77 Space requirements; furnishings

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(b) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well ventilated and heated.

(3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(g) The child caring institution shall provide furnishings which are as follows:

(1) Safe and room appropriate for use.

(2) Maintained and repaired as needed.

(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(h) The child caring institution shall provide a study area which includes the following:

(1) Tables or desks.

(2) Chairs.

(3) Appropriate lighting for reading.

(Division of Family and Children; 470 IAC 3-14-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-78 Maintenance and safety

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 78. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-14-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-79 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 79. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-8.1 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. (*Division of Family and Children; 470 IAC 3-14-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2043; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-80 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 80. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The group home shall have at least two (2) bathrooms furnished with a sink, toilet, and a shower or tub.

(c) The group home shall provide separate bathrooms for boys and girls.

(d) If fewer than seven (7) children of the same gender and nonresident awake night staff are present, the group home may have a minimum of one (1) fully equipped bathroom for children and one (1) half-bathroom for staff use.

(e) All group homes shall provide resident staff with bath and toilet facilities separate from those of the children.

(f) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(g) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. (*Division of Family and Children; 470 IAC 3-14-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2043; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-81 Swimming pools

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 81. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. (*Division of Family and Children; 470 IAC 3-14-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-82 Pets

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 82. Pets which are a potential source of rabies shall be immunized as needed against rabies. (*Division of Family and Children; 470 IAC 3-14-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-83 Building, plans and construction

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 83. (a) Prior to construction of any new building, conversion of an existing building, or major alteration to an existing building, or addition to an existing building, a set of complete plans and specification shall be submitted to the SBH plan review

section. The group home is exempted from submitting plans to the state building commissioner.

(b) The group home shall meet requirements of 675 IAC 14. A newly constructed group home shall submit to the SDPW certification by the architect or contractor of compliance with 675 IAC 14.

(c) A child caring institution licensed as a group home under previous rule 470 IAC 3-6 [470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.] that is licensed and in existence on the effective date of this rule and continues to operate at the same location shall have the option to continue to be licensed as a group home.

(d) The maximum height of a building used for bedrooms in a group home shall be limited to two (2) stories excluding the basement.

(e) Every sleeping room shall have at least one (1) operable exterior window or exterior door for emergency exit or rescue in conformance to 675 IAC 14. The means of exit shall be operable from the inside to provide full, clear opening without the use of tools.

(f) Where windows are provided as a means of exit or rescue, they shall have a sill height of not more than forty-four (44) inches above the finished floor and a minimum net clear opening of four and three-fourths (4.75) square feet. The minimum net clear opening shall be twenty-four (24) inches high and eighteen (18) inches wide.

(g) Prior to initial licensure, the group home shall submit a statement signed by an electrician certifying that the electrical service and system are sufficient to service the intended use in a safe manner. (*Division of Family and Children; 470 IAC 3-14-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-84 Smoke detection system

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 84. The group home shall be equipped with smoke detectors as required under 675 IAC 14. (*Division of Family and Children; 470 IAC 3-14-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-14-85 Safety requirements; exits; fireplaces; extinguishers; heaters; combustibles

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 85. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills shall be conducted during sleeping hours annually.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, for example, glass, ceramic, or metal, shall be provided.

(g) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A ten (10) pound ABC multipurpose type extinguisher, or the equivalent, shall be located on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards. All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessed in case of emergency.

(r) All Class I, II, III-A flammable liquids shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. (*Division of Family and Children; 470 IAC 3-14-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 15. Children's Homes and Child Caring Institutions Defined as Emergency Shelter Care Group Homes

470 IAC 3-15-1 Applicability

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as group homes caring for ten (10) or less children.

(b) A licensee caring for ten (10) or less children may be issued and hold one (1) of the following combinations of licenses concurrently within a single facility:

(1) A license to operate a group home under 470 IAC 3-14.

(2) A license to operate an emergency shelter under this rule.

(3) A license to operate a group home under 470 IAC 3-14 and a license to operate an emergency shelter under this rule.

(c) The group home shall be a one (1) or two (2) family dwelling and shall be one (1) of the following:

(1) A single facility without affiliation with an institution.

(2) A facility affiliated with an institution and located apart from the institution.

(*Division of Family and Children; 470 IAC 3-15-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-2 "Administrator" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. (*Division of Family and Children; 470 IAC 3-15-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-3 "Admission" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. (*Division of Family and Children; 470 IAC 3-15-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-4 “Application” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, “application” means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. (*Division of Family and Children; 470 IAC 3-15-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-5 “Children's home” or “child caring institution” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, “children's home” or “child caring institution” means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals or political subdivision engaged in:

- (1) receiving and caring for dependent children, children in need of services, or delinquent children; or
- (2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(*Division of Family and Children; 470 IAC 3-15-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-6 “Communicable disease” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, “communicable disease” means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. (*Division of Family and Children; 470 IAC 3-15-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-7 “Confinement room” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, “confinement room” means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. (*Division of Family and Children; 470 IAC 3-15-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-8 “Corporal punishment” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, “corporal punishment” means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. (*Division of Family and Children; 470 IAC 3-15-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-9 “Emergency shelter” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, “emergency shelter” means a short term place of residence, other than a secure facility, that:
(1) is not locked to prevent a child’s departure unless the administrator determines that locking is necessary to protect the child’s health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(Division of Family and Children; 470 IAC 3-15-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-10 “Food service” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, “food service” means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-15-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-11 “FPBSC” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, “FPBSC” means the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-15-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-12 “Governing body” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, “governing body” means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Division of Family and Children; 470 IAC 3-15-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-13 “Group home” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, “group home” means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Division of Family and Children; 470 IAC 3-15-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-14 “Institution” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, “institution” means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under 470 IAC 3-11 or 470 IAC 3-12. *(Division of Family and Children; 470 IAC 3-15-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-15 “License” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, “license” means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. (*Division of Family and Children; 470 IAC 3-15-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-16 “Living unit” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 16. As used in this rule, “living unit” means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. (*Division of Family and Children; 470 IAC 3-15-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-17 “Mechanical restraints” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 17. As used in this rule, “mechanical restraints” means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. (*Division of Family and Children; 470 IAC 3-15-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-18 “Needs assessment” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 18. As used in this rule, “needs assessment” means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. (*Division of Family and Children; 470 IAC 3-15-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-19 “Parent agency” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 19. As used in this rule, “parent agency” means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. (*Division of Family and Children; 470 IAC 3-15-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-20 “Placing agency” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 20. As used in this rule, “placing agency” means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*], who places a child into a child caring institution. (*Division of Family and Children; 470 IAC 3-15-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-21 “Placing parent or guardian” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 21. As used in this rule, “placing parent or guardian” means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. (*Division of Family and Children; 470 IAC 3-15-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-22 “Private secure facility” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, “private secure facility” means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. (*Division of Family and Children; 470 IAC 3-15-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-23 “Program director” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, “program director” means the staff person responsible for the development, implementation, and supervision of the treatment programs. (*Division of Family and Children; 470 IAC 3-15-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-24 “Provisional license” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, “provisional license” means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. (*Division of Family and Children; 470 IAC 3-15-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-25 “Psychotropic medication” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, “psychotropic medication” means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. (*Division of Family and Children; 470 IAC 3-15-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-26 “SBH” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, “SBH” means the Indiana state board of health. (*Division of Family and Children; 470 IAC 3-15-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-27 “SDPW” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, “SDPW” means the state department of public welfare. (*Division of Family and Children; 470 IAC 3-15-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-28 “SFM” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, “SFM” means the office of the state fire marshal. (*Division of Family and Children; 470 IAC 3-15-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-29 “Staff development” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, “staff development” means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. (*Division of Family and Children; 470 IAC 3-15-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-30 “Treatment plan” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, “treatment plan” means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. (*Division of Family and Children; 470 IAC 3-15-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-31 “Variance” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, “variance” means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. (*Division of Family and Children; 470 IAC 3-15-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-32 “Waiver” defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, “waiver” means official permission granted by the SDPW not to meet a specific regulation. (*Division of Family and Children; 470 IAC 3-15-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(b) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.

(c) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation

of the program by the SDPW.

(d) A child caring institution shall not care for children under the age of six (6) years.

(e) The license shall be posted in a conspicuous place in the child caring institution. (*Division of Family and Children; 470 IAC 3-15-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-34 Termination of license

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

- (1) the name of the licensee changes;
- (2) the type of child caring institution changes;
- (3) the address of the child caring institution changes; or
- (4) the capacity, age range, or gender of children served changes.

(b) A license shall be terminated whenever the child caring institution closes. (*Division of Family and Children; 470 IAC 3-15-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-35 Waivers and variances

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:

- (1) For a waiver, a written request showing documentation that compliance will create an undue hardship on the applicant.
- (2) For a variance, a written request showing documentation of the need and the alternate method of compliance.

(b) The SDPW shall review the written request based on but not limited to the following:

- (1) On-site review, if applicable.
- (2) Written documentation.
- (3) Review of the requests by SDPW field consultants and administration.
- (4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.

(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.

(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. (*Division of Family and Children; 470 IAC 3-15-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-36 Reporting requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:

- (1) Change in licensed capacity.
- (2) Major alterations or changes in buildings or in use of rooms.
- (3) Addition or termination of program services offered.
- (4) Changes in administrative personnel.
- (5) Termination of services.
- (6) Changes in discipline policies.
- (7) Changes in confinement room policies, if applicable.

(b) The child caring institution shall report the following changes or events immediately upon occurrence:

- (1) A fire on the premises of the child caring institution.
- (2) A death or serious injury requiring treatment of a child in a hospital or emergency care facility.
- (3) Any communicable disease requiring hospitalization of a child.

(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 [IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.].

(5) A court ordered placement that results in an excess in the number of children authorized by the license.

(Division of Family and Children; 470 IAC 3-15-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-37 Plan of operation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:

(1) Needs assessment.

(2) Purpose of child caring institution.

(3) Ages, gender, and type of children to be served.

(4) Location of child caring institution and geographic area from which children will be received.

(5) Type of buildings.

(6) Financial information regarding the following:

(A) New construction and maintenance of building.

(B) Operation of the child caring institution and child care program.

(C) Sources of income and fund raising methods.

(7) Program design for the children as follows:

(A) Emotional and social development.

(B) Education.

(C) Work program.

(D) Recreation.

(E) Nutrition.

(F) Medical and dental care.

(G) Clothing.

(H) Family involvement.

(I) Discipline.

(8) Administration is to include the following:

(A) The identification of the governing body or members of the board of directors including full name, address, and occupation of each.

(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.

(b) The child caring institution shall operate in accordance with the written plan of operation. *(Division of Family and Children; 470 IAC 3-15-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-38 Governing body

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Division of Family and Children; 470 IAC 3-15-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

- (1) Salaries.
- (2) Food.
- (3) Clothing.
- (4) Child development and child care program.
- (5) Fixed expenses.
- (6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

- (1) Public liability.
- (2) Worker's compensation.
- (3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or volunteer. (*Division of Family and Children; 470 IAC 3-15-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-40 Admission

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing. These policies shall clearly define categories of children which will not be accepted into care.

(b) The child caring institution shall have and make written notation of the following information at the time of admission:

- (1) The information required by section 46(a)(1) through 46(a)(10) of this rule.
- (2) The name and twenty-four (24) hour contact telephone number of the placing agency worker or parent or guardian.
- (3) Indication of whether the parent or guardian has been notified.
- (4) Identification of the family or other persons who may have contact with the child, the permitted means of contact, and any restrictions upon contacts.
- (5) Any known medical problem including allergies, special dietary needs, or medication the child is taking.
- (6) Release for emergency treatment signed by the placing agency, parent, guardian, or custodian.

(c) Within seventy-two (72) hours or on the next working day of admission, the child caring institution shall have the following information:

- (1) Any available health records including immunization history.
- (2) Release of information form signed by the placing agency, the parent, or guardian for release of school records and any existing psychological or psychiatric evaluations.

(d) When a child is unaccompanied by a placing agency or parent at the time of admission, the child caring institution shall attempt to get the information required in subsection (b) but shall not deny admission to a child solely on the inability to document this information.

(e) The child caring institution shall document efforts to notify the parent, guardian, or placing agency as applicable of the admission of the child within twenty-four (24) hours of the child's admission, if possible. If the parent cannot be located, the shelter shall notify the local child protection service within twenty-four (24) hours. (*Division of Family and Children; 470 IAC 3-15-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

- (1) Authorization to care for the child.
- (2) Provision for treatment plan reviews, if applicable.
- (3) Financial plan for payment of care and services covered.
- (4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(Division of Family and Children; 470 IAC 3-15-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

- (b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.
- (c) The child caring institution shall maintain an organizational chart.
- (d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.

(Division of Family and Children; 470 IAC 3-15-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

- (b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.
- (c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access.

(Division of Family and Children; 470 IAC 3-15-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-44 Personnel records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

- (b) The record shall include the following information prior to employment:
 - (1) Application.
 - (2) Name, address, and telephone number.
 - (3) Name, address, and telephone number of the person to be notified in the event of an emergency.
 - (4) Documentation of training, education, experience, and any other required qualifications.

- (5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
- (6) Signed, notarized criminal history affidavit.
- (c) The record shall include the following information after employment:
 - (1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
 - (2) Annual report of Mantoux tuberculin test results.
 - (3) Annual evaluation of employee's performance.
 - (4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
 - (5) Dates of employment and termination with any reason for termination.
 - (6) Copies of any incident report involving the staff member.

(d) If the personnel records are maintained at an office located apart from the group home residence, a copy of the health record of the direct care worker and the name, address, and telephone numbers of the person to be notified in the event of an emergency shall be kept on the premises of the group home. (*Division of Family and Children; 470 IAC 3-15-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

- (1) Name, address, and telephone number.
- (2) Name, address, and telephone number of the person to be notified in the event of an emergency.
- (3) Documentation of reference with an evaluation of the following:
 - (A) Ability, character, and suitability for working with children.
 - (B) Orientation and training, as required under section 54 of this rule.
- (4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(*Division of Family and Children; 470 IAC 3-15-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:

- (1) Name.
- (2) Sex.
- (3) Date of birth.
- (4) Name, address, and marital status of both parents.
- (5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
- (6) Religious information necessary to provide appropriate services.
- (7) Information upon which the admission decision was based.
- (8) Name of agencies which have had contact with the child and the family and dates of contacts.
- (9) Name and address of person or placing agency requesting admission.
- (10) Date of admission.
- (11) Written agreement with the placing agency or person.
- (12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
- (13) SDPW case plan, if applicable.
- (14) Documentation of any discipline of a child which results in an injury.
- (15) School report, including teachers' evaluation of child's progress.
- (16) Report by any specialist, such as psychiatrist or psychologist, if applicable.
- (17) Discharge information required under section 65 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least that information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(17).

(e) If the children's records are maintained at an office located apart from the group home residence, a copy of the care plan and subsequent revisions and all health records shall be kept on the premises of the group home. (*Division of Family and Children; 470 IAC 3-15-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; errata filed Sep 9, 1991, 10:45 a.m.: 15 IR 10; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-47 Employee qualifications; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 [*470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.*], is exempted from this rule. (*Division of Family and Children; 470 IAC 3-15-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-48 Administrative personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age.

(e) The staff member responsible for the general management and administration of the group home shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school and one

(1) year of experience in child care services.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in child care services, including at least one (1) year of experience in a supervisory capacity.

(f) If the group home is owned and administered by a parent agency and the parent agency employs an administrator who meets the qualifications of this section, the group home need not employ a separate administrator; however, the parent agency shall provide supervision of the group home by a person meeting at least the qualifications of a caseworker as defined in section 49 of this rule.

(g) The position of administrator shall be a full-time position if the administrator is responsible for the administrative, service, and supervisory functions required under this section.

(h) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator. (*Division of Family and Children; 470 IAC 3-15-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-49 Professional personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) Professional services required for residents of group homes may be provided by one (1) of the following:

- (1) Direct employment of qualified staff.
- (2) Contract with qualified staff.
- (3) Qualified staff from the parent agency.
- (4) A community mental health clinic.
- (5) The child placing agency.
- (6) The administrator.

(Division of Family and Children; 470 IAC 3-15-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) The group home shall count all children who live with their parents at the group home in determining the child-staff ratio and in the licensed capacity of the group home. A house-parent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 [470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.], is exempted from the specific requirements for these child-staff ratios.

(c) At least one (1) direct care worker shall be on duty in the group home at all times when children are present.

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, there shall be at least two (2) direct care workers on duty at all times when the children under eight (8) years of age are present whether the children are awake or asleep.

(e) When a group of ten (10) or fewer children is under the care of one (1) employee, the group home shall have a written plan for that employee to summon another adult to assist in case of an emergency without leaving the children unattended.

(f) The same child-staff ratios shall be maintained for group off-campus activities. *(Division of Family and Children; 470 IAC 3-15-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-51 Volunteers

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

- (1) Reference checks.
- (2) Supervision by a paid staff member.
- (3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Division of Family and Children; 470 IAC 3-15-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Division of Family and Children; 470 IAC 3-15-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Division of Family and Children; 470 IAC 3-15-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this subsection.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

- (1) Administrative procedures and overall program goals.
- (2) Principles and practices of child care.
- (3) Family relationships and the impact of separation.
- (4) Behavior management techniques.
- (5) Emergency and safety procedures.
- (6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section.

(f) In addition to the training required under subsections (a) through (e), the child caring institution shall provide all staff having direct contact with the children with training in the following:

- (1) An understanding of the nature of a crisis.
- (2) Specific techniques for dealing with suicidal children.

(3) Verbal deescalation and therapeutic physical restraint techniques, if they are utilized.

(Division of Family and Children; 470 IAC 3-15-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-55 Daily routines

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Division of Family and Children; 470 IAC 3-15-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-56 Personal items

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Division of Family and Children; 470 IAC 3-15-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-57 Discipline and guidance

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The use of a confinement room and the use of mechanical restraints are prohibited in a group home.

(g) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

- (2) Use of mechanical restraints.
- (3) Undue confinement to bed.
- (4) Deprivation of meals or snacks.
- (5) Inappropriate assignment of work.
- (6) Group discipline for an offense by an individual child.
- (7) Any child or group of children punishing another child.
- (8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker.

(Division of Family and Children; 470 IAC 3-15-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-58 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall work with the placing agency, parent, or guardian to ensure that the child's education plan is in compliance with the Indiana school attendance laws.

(e) The child caring institution shall have and follow a written plan for meeting the educational needs of children who are unable to attend public school. *(Division of Family and Children; 470 IAC 3-15-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-59 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed to parents and the placing agency. *(Division of Family and Children; 470 IAC 3-15-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-60 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-15-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-61 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. (*Division of Family and Children; 470 IAC 3-15-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-62 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the care plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the care plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. (*Division of Family and Children; 470 IAC 3-15-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-63 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. (*Division of Family and Children; 470 IAC 3-15-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-64 Care plan; program; medical services

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) A child caring institution which is licensed as a group home may provide shelter care services and a long term treatment program in the same facility if the group home complies with 470 IAC 3-14 and this rule for each child admitted.

(b) The child caring institution shall not maintain any child in shelter care service for longer than sixty (60) days.

(c) After sixty (60) days, a child shall be transferred to the child caring institution's long term program or be removed from the shelter care service if the child caring institution does not provide a long term program.

(d) The child caring institution shall assess each child's situation within twenty-four (24) hours or on the next working day of admission and shall develop a written care plan. The plan shall be developed in conjunction with the placing agency or with the parents or guardian.

(e) The written care plan shall include the following:

- (1) An assessment of the immediate needs of the child and family and the plan for meeting those needs.
- (2) A written plan which states how the children will be supervised during the children's sleeping hours.
- (3) The plan for visitation and telephone contact with family or significant others.
- (4) The plan for education as defined in section 58 of this rule.
- (5) The anticipated length of stay.
- (6) Any known court dates.
- (7) Any changes in the care plan and recorded observations made by direct care workers.

(f) Medical services shall be provided as follows:

- (1) At the time of admission, a health evaluation checklist furnished by the SBH shall be utilized by the child caring institution to determine obvious health problems of the child.
- (2) Any child suspected of being physically or sexually abused and who has not received medical attention shall receive a physical examination and communicable disease determination by a licensed physician immediately.
- (3) Any child suspected of having a communicable disease or chronic disease that needs constant therapy shall receive a physical examination by a licensed physician within forty-eight (48) hours of admission to the child caring institution.
- (4) All other children shall have a physical examination and communicable disease determination by a licensed physician or nurse practitioner three (3) months prior to placement or within thirty (30) days after admission.
- (5) The child caring institution shall have an agreement with an on-call licensed physician and the ability to arrange for emergency medical and dental examination and treatment.

(Division of Family and Children; 470 IAC 3-15-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-65 Discharge

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 65. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

- (1) A written summary report of the care received by the child including any recommendations for the child and family.
 - (2) The date and reasons for discharge.
 - (3) The name, address, telephone number, and relationship of the person or agency to whom the child is released.
- (b) The summary report shall be provided to the placing agency at the time of discharge.

(c) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, other individual, or agency to whom the child is released. *(Division of Family and Children; 470 IAC 3-15-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-66 Services to families

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the care plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Division of Family and Children; 470 IAC 3-15-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-67 Health program requirements; written plan

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 67. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. (*Division of Family and Children; 470 IAC 3-15-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-68 Medical services; generally

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. (*Division of Family and Children; 470 IAC 3-15-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-69 First aid policies and practices

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

- (1) Poisoning.
- (2) Seizures.
- (3) Hemorrhaging.
- (4) Artificial respiration.
- (5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

- (1) A telephone.
- (2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.
- (3) The telephone numbers for ambulance services, the local fire department, and the poison control center.
- (4) The "Red Cross First Aid Manual" or its equivalent.
- (5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff.

(*Division of Family and Children; 470 IAC 3-15-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-70 Medication; disbursement, application

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 70. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Division of Family and Children; 470 IAC 3-15-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-71 Psychotropic medication

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the care plan. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-15-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-72 Storage of medication

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 72. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-15-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-73 Health requirements for staff members

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 73. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Division of Family and Children; 470 IAC 3-15-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-74 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(j) The kitchen shall be equipped with the following:

(1) A stove.

(2) A refrigerator.

(3) Closed cabinets for food and utensil storage.

- (4) A two (2) compartment sink and automatic dishwasher or a three (3) compartment sink.
- (5) Light and ventilation.
- (6) Walls and ceilings that are smooth and easily washed.
- (7) Counter surfaces that are smooth and free of cracks and seams.
- (k) Refrigerators shall be maintained at a temperature of forty-five degrees Fahrenheit (45°F) or below.
- (l) Freezers shall be maintained at temperature of zero degrees Fahrenheit (0°F) or below.

(m) Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer located in a position for daily monitoring. (*Division of Family and Children; 470 IAC 3-15-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-75 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) A child caring institution shall provide safe and protected outdoor playground space.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and shall be sufficiently varied to meet the needs of the children according to age, size, and social development. (*Division of Family and Children; 470 IAC 3-15-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-76 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(b) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well ventilated and heated.

(3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(g) The child caring institution shall provide furnishings which are as follows:

(1) Safe and room appropriate for use.

(2) Maintained and repaired as needed.

(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(h) The child caring institution shall provide a study area which includes the following:

(1) Tables or desks.

(2) Chairs.

(3) Appropriate lighting for reading.

(Division of Family and Children; 470 IAC 3-15-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-77 Maintenance and safety

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 77. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep grounds free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-15-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-78 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 78. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-8.1 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. (*Division of Family and Children; 470 IAC 3-15-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-79 Bath; toilet facilities; and ventilation

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 79. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The group home shall provide separate bathrooms for boys and girls.

(c) The group home shall have at least two (2) bathrooms furnished with a sink, toilet, and shower or tub.

(d) If fewer than seven (7) children of the same gender and nonresident awake night staff are present, the group home may have a minimum of one (1) fully equipped bathroom for children and one (1) half-bathroom for staff use.

(e) All group homes shall provide resident staff with bath and toilet facilities separate from those of the children.

(f) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(g) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. (*Division of Family and Children; 470 IAC 3-15-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-80 Swimming pools

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 80. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. (*Division of Family and Children; 470 IAC 3-15-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-81 Pets

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 81. Pets which are a potential source of rabies shall be immunized as needed against rabies. (*Division of Family and Children; 470 IAC 3-15-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-82 Building, plans and construction

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 82. (a) Prior to construction of any new building, conversion of an existing building, or major alteration to an existing building, or addition to an existing building, a set of complete plans and specifications shall be submitted to the SBH plan review section. The group home is exempted from submitting plans to the state building commissioner.

(b) The group home shall meet requirements of 675 IAC 14. A newly constructed group home shall submit to the SDPW

certification by the architect or contractor of compliance with 675 IAC 14.

(c) A child caring institution licensed as a group home under previous rule 470 IAC 3-6 [470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.] that is licensed and in existence on the effective date of this rule and continues to operate at the same location shall have the option to continue to be licensed as a group home.

(d) The maximum height of a building used for bedrooms in a group home shall be limited to two (2) stories excluding the basement.

(e) Every sleeping room shall have at least one (1) operable exterior window or exterior door for emergency exit or rescue in conformance to 675 IAC 14. The means of exit shall be operable from the inside to provide full, clear opening without the use of tools.

(f) Where windows are provided as a means of exit or rescue, they shall have a sill height of not more than forty-four (44) inches above the finished floor and a minimum net clear opening of four and three-fourths (4.75) square feet. The minimum net clear opening shall be twenty-four (24) inches high and eighteen (18) inches wide.

(g) Prior to initial licensure, the group home shall submit a statement signed by an electrician certifying that the electrical service and system are sufficient to service the intended use in a safe manner. (*Division of Family and Children; 470 IAC 3-15-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-83 Smoke detection system

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 83. The group home shall be equipped with smoke detectors as required under 675 IAC 14. (*Division of Family and Children; 470 IAC 3-15-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-15-84 Safety requirements; exits; fireplaces; extinguishers; heaters; combustibles

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 84. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills shall be conducted during sleeping hours annually.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, for example, glass, ceramic, or metal, shall be provided.

(g) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A ten (10) pound ABC multipurpose type extinguisher, or the equivalent, shall be located on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards. All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or

in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessed in case of emergency.

(r) All Class I, II, III-A flammable liquids shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. (*Division of Family and Children; 470 IAC 3-15-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

ARTICLE 3.1. FIRST STEPS EARLY INTERVENTION SYSTEM

Rule 1. Definitions

470 IAC 3.1-1-1 Applicability

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. The definitions in this rule apply throughout this article. (*Division of Family and Children; 470 IAC 3.1-1-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-2 "Act" defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. "Act" means the federal Individuals with Disabilities Education Act, codified at 20 U.S.C. 1400 et seq. (*Division of Family and Children; 470 IAC 3.1-1-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-3 "Assessment" defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. "Assessment" means ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility to identify the following:

(1) The child's unique strengths and needs, and the services appropriate to meet those needs.

(2) The resources, priorities, and concerns of the family, and identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of its infant or toddler with a disability.

(*Division of Family and Children; 470 IAC 3.1-1-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-4 "Child" defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. (a) "Child" refers to an infant or toddler from birth through two (2) years of age.

(b) As used in this article, “child” includes the singular, as well as the plural, form of the noun. (*Division of Family and Children; 470 IAC 3.1-1-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-5 “Child find” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 5. “Child find” means strategies and activities, including awareness activities, conducted for the purpose of bringing children into the early intervention system so that individual eligibility may be determined and potential needs for early intervention services can be identified. (*Division of Family and Children; 470 IAC 3.1-1-5; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-6 “Child find system” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 6. “Child find system” means a coordinated, community system for identifying, locating, and evaluating children who are eligible for early intervention services. The system includes a public awareness program, a procedure for referring a child to the appropriate system point of entry for assessment and early intervention services, where appropriate, and an effective method to determine which children are receiving needed early intervention services and which children are not receiving those services. (*Division of Family and Children; 470 IAC 3.1-1-6; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2250; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-7 “Consent” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 7. “Consent” includes all of the following:

- (1) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication.
- (2) The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records, if any, that will be released, and to whom.
- (3) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

(*Division of Family and Children; 470 IAC 3.1-1-7; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-8 “Days” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 8. “Days” means calendar days. (*Division of Family and Children; 470 IAC 3.1-1-8; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-9 “Disclosure” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 9. “Disclosure” means to permit access, or to release, transfer, or otherwise communicate the information contained in early intervention records, including personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means. (*Division of Family and Children; 470 IAC 3.1-1-9; filed Jan 29, 1996, 5:15 p.m.: 19*

IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-1-10 “Division” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 10. “Division” means the division of family and children. (*Division of Family and Children; 470 IAC 3.1-1-10; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-11 “Early intervention services” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 11. “Early intervention services” means developmental services that:

(1) are designed to meet:

- (A) the developmental needs of each child eligible for services through the early intervention system; and
- (B) the needs of the family related to enhancing the child’s development;

(2) are selected in collaboration with the child’s parents;

(3) are provided:

- (A) under public supervision;
- (B) by qualified personnel as described in section 26 of this rule; and
- (C) in conformity with an individualized family service plan;

(4) meet state and federal laws, regulations, and rules; and

(5) are provided in natural environments, to the maximum extent appropriate to the needs of the child, including the home and community settings in which children without disabilities participate.

(Division of Family and Children; 470 IAC 3.1-1-11; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2250; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-1-12 “Early intervention system” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 12. “Early intervention system” means the total effort in the state that is established to meet the needs of children eligible for early intervention services and their families, including the coordination of all available federal, state, local, and private resources available to provide early intervention services within the state. (*Division of Family and Children; 470 IAC 3.1-1-12; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-13 “Evaluation” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 13. “Evaluation” includes the procedures used by appropriate, qualified personnel, as described in section 26 of this rule, to determine a child's initial and continuing eligibility for early intervention services, including determining the status of the child in each of the following developmental areas:

- (1) Cognitive development.
- (2) Physical development, including vision and hearing.
- (3) Communication development.
- (4) Social or emotional development.
- (5) Adaptive development.

(Division of Family and Children; 470 IAC 3.1-1-13; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-1-13.5 “Foster parent” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 13.5. “Foster parent” means a person or persons who meet the definition found at 470 IAC 3-1-1 and:
(1) have an ongoing, long term parental relationship with the child;
(2) are willing to make the decisions required of parents; and
(3) have no interest that would conflict with the interests of the child.

(Division of Family and Children; 470 IAC 3.1-1-13.5; filed Mar 15, 2001, 8:20 a.m.: 24 IR 2465; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-1-14 “ICC” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15-7

Sec. 14. “ICC” means the state interagency coordinating council established pursuant to IC 12-17-15-7. *(Division of Family and Children; 470 IAC 3.1-1-14; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-1-15 “IFSP” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 15. “IFSP” means the individualized family service plan, a written plan for providing early intervention services to a child eligible for early intervention services and the child's family. *(Division of Family and Children; 470 IAC 3.1-1-15; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-1-16 “Infants and toddlers with disabilities” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 16. “Infants and toddlers with disabilities” means individuals from birth through two (2) years of age who are eligible for early intervention services. *(Division of Family and Children; 470 IAC 3.1-1-16; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-1-17 “Informed clinical opinion” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 17. “Informed clinical opinion” means a decision made by appropriate, qualified personnel, as described in section 26 of this rule, regarding the developmental status of a child, which is utilized for purposes of eligibility determination, assessment of service needs, and development of an IFSP, and which is based upon observation, interviews, or other appropriate techniques. *(Division of Family and Children; 470 IAC 3.1-1-17; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2250; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-1-18 “LPCC” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 18. “LPCC” means the local planning and coordinating council, a county-based planning and coordination group organized for the purpose of implementing the early intervention system as required by 20 U.S.C. 1435 and 34 CFR 303. *(Division of Family and Children; 470 IAC 3.1-1-18; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251;*

readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-1-19 “Multidisciplinary” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 19. “Multidisciplinary” means the involvement of two (2) or more different disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities, and development of the IFSP. (*Division of Family and Children; 470 IAC 3.1-1-19; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-20 “Natural environments” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 20. “Natural environments” means settings that are natural or normal for the child's age peers who have no disability. (*Division of Family and Children; 470 IAC 3.1-1-20; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-21 “Parent” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 21. (a) “Parent” means a parent, a guardian, a person acting as a parent of a child, a foster parent, or a surrogate parent who has been appointed in accordance with 470 IAC 3.1-13-5. The term does not include the state if the child is a ward of the state.

(b) The term includes the singular, as well as the plural, form of the noun. (*Division of Family and Children; 470 IAC 3.1-1-21; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; filed Mar 15, 2001, 8:20 a.m.: 24 IR 2465; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-22 “Part B” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 22. “Part B” means Subchapter II of the Act, codified at 20 U.S.C. 1411 et seq., which provides federal assistance to states for the education of children with disabilities. (*Division of Family and Children; 470 IAC 3.1-1-22; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-23 “Part C” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 23. “Part C” means Subchapter III of the Act, codified at 20 U.S.C. 1431 et seq., which provides federal assistance to states for infants and toddlers with disabilities. (*Division of Family and Children; 470 IAC 3.1-1-23; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-24 “Participating agency” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 24. “Participating agency” means any state agency, SPOE, service provider, or other person or entity, who or which collects, maintains, or uses personally identifiable information in implementing the early intervention system, or from whom or which

information is obtained in order to implement the early intervention system. (*Division of Family and Children; 470 IAC 3.1-1-24; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-25 “Primary referral sources” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 25. “Primary referral sources” means individuals who, or organizations which, may refer children for early intervention services, including, but not limited to, the following:

- (1) Hospitals, including prenatal and postnatal care facilities.
- (2) Physicians.
- (3) Parents.
- (4) Day care programs.
- (5) Local educational agencies.
- (6) Public health facilities.
- (7) Other social service agencies.
- (8) Other health care providers.

(*Division of Family and Children; 470 IAC 3.1-1-25; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-26 “Qualified personnel” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 26. “Qualified personnel” includes, but is not limited to, the following:

- (1) Audiologists.
- (2) Family therapists.
- (3) Nurses.
- (4) Nutritionists.
- (5) Occupational therapists.
- (6) Orientation and mobility specialists.
- (7) Pediatricians and other physicians.
- (8) Physical therapists.
- (9) Psychologists.
- (10) Service coordinator.
- (11) Social workers.
- (12) Special educators or developmental therapists.
- (13) Speech and language pathologists.
- (14) Vision specialists.
- (15) Parent-to-parent support personnel.

(*Division of Family and Children; 470 IAC 3.1-1-26; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-1-27 “Service coordination” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 27. “Service coordination” means the activities carried out by a person or entity to assist and enable a child eligible for early intervention services, and the child's family, to receive the rights, procedural safeguards, and services that are authorized to be provided through the early intervention system. (*Division of Family and Children; 470 IAC 3.1-1-27; filed Jan 29, 1996, 5:15*

p.m.: 19 IR 1330; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-1-28 “Service provider” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 28. “Service provider” means a person, or a public or private entity, selected by the family to provide early intervention services for an eligible child and the child’s family pursuant to an IFSP. *(Division of Family and Children; 470 IAC 3.1-1-28; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1331; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-1-28.5 “SPOE” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 28.5. “SPOE” means the system point of entry, that serves as local lead agency, and is the single point of contact in helping parents obtain services and assistance for infants or toddlers with disabilities as defined in section 16 of this rule. *(Division of Family and Children; 470 IAC 3.1-1-28.5; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-1-29 “Surrogate parent” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 29. “Surrogate parent” means an individual appointed in accordance with 470 IAC 3.1-13-5 to take the place of a parent for the purposes of this article, when no parent can be identified or located, or when the child is a ward of the state. *(Division of Family and Children; 470 IAC 3.1-1-29; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1331; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-1-30 “Transition” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 30. “Transition” refers to the transfer of a child to another service type or location within the Part C eligibility period as well as transition to other services including, but not limited to, the Part B/special education program, or to any environment or combination of environments determined to be appropriate for the ongoing developmental growth of the child at or prior to three (3) years of age. *(Division of Family and Children; 470 IAC 3.1-1-30; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1331; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2252; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 2. State Administration

470 IAC 3.1-2-1 State lead agency

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 1. (a) The division is the state lead agency responsible for ensuring the provision of early intervention services to eligible infants and toddlers with disabilities and their families consistent with 20 U.S.C. 1431 et seq., and 34 CFR 303.

(b) The division is responsible for ensuring that the minimum components of a statewide system of early intervention services for eligible infants and toddlers and their families, as required by the United States Department of Education, is established and maintained in the state. The minimum components, identified in 20 U.S.C. 1435 and 34 CFR 303, include the following:

- (1) A state definition of developmentally delayed.
- (2) A central directory of information relating to early intervention services, resources, experts, and research and demonstration

projects available in the state.

- (3) Timetables for serving eligible infants and toddlers and their families.
- (4) A public awareness program.
- (5) A comprehensive child find system.
- (6) Timely, comprehensive, and multidisciplinary evaluation and assessment procedures, and a family-directed identification of the needs of each family of such an infant or toddler to appropriately assist in the development of the infant or toddler.
- (7) Development, review, and evaluation of IFSPs and service coordination.
- (8) A comprehensive system of personnel development.
- (9) Development and implementation of personnel standards.
- (10) Development and implementation of procedural safeguards.
- (11) General administration, supervision, and monitoring of the early intervention system.
- (12) Procedures that are widely disseminated for resolving complaints.
- (13) Policies and procedures related to financial matters, including the following:
 - (A) The identification and coordination of all resources in the state available for early intervention services.
 - (B) The timely reimbursement of funds provided by the United States Department of Education for early intervention services.
 - (C) The assignment of financial responsibility among participating agencies.
- (14) Interagency agreements for resolution of disputes.
- (15) Policies for contracting or otherwise arranging for services.
- (16) Data collection on the numbers of infants and toddlers with disabilities and their families in the state.

(Division of Family and Children; 470 IAC 3.1-2-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1331; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2252; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-2-2 Interagency coordinating council

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15; IC 20-1-6; IC 27-1-1-1

Sec. 2. (a) Members of the ICC shall be appointed by the governor. To the extent possible, the membership of the ICC shall reasonably represent the population and geographic diversity of Indiana.

(b) The governor shall designate a member of the ICC to serve as the chairperson of the ICC, or require the ICC to designate a chairperson from within its membership. A member of the ICC who is a representative of the division may not serve as chairman of the ICC. A chairman may be reappointed for succeeding terms.

(c) The ICC shall be composed as follows:

- (1) At least twenty percent (20%) of the members must be parents, including minority parents, of infants or toddlers with disabilities or children who are twelve (12) years of age or younger who have knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one (1) member must be a parent of an infant or toddler with a disability or a child with a disability who is six (6) years of age or younger.
 - (2) At least twenty percent (20%) of the members must be public or private providers of early intervention services.
 - (3) At least one (1) member must be a member of the general assembly.
 - (4) Each of the state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families must be represented by at least one (1) member. These members must have sufficient authority to engage in policy planning and implementation on behalf of the state agency the member represents.
 - (5) At least one (1) member must be involved in personnel preparation.
 - (6) At least one (1) member must represent a state educational agency responsible for preschool services to children with disabilities, and must have sufficient authority to engage in policy planning and implementation on behalf of the agency.
 - (7) At least one (1) member must represent the department of insurance created under IC 27-1-1-1, especially in the area of health insurance.
 - (8) At least one (1) member must represent a Head Start agency or program in the state.
 - (9) At least one (1) member must represent a state agency responsible for child care.
 - (10) The ICC may include other members selected by the governor.
- (d) Members shall be appointed for a term of three (3) years and may be reappointed for succeeding terms. Vacancies on the

ICC shall be filled by the governor.

(e) The governor or the chairman of the ICC may call a meeting of the ICC. The ICC shall meet at least quarterly.

(f) Meetings of the ICC must:

(1) be publicly announced sufficiently in advance of the meetings to ensure attendance by all interested parties; and

(2) be open and accessible to the public in accordance with federal and state laws, regulations, and rules.

(g) Interpreters for persons who are deaf, and other necessary services, must be provided at ICC meetings, both for ICC members and participants. The ICC may use Part C funds to pay for those services.

(h) No member of the ICC may cast a vote on any matter that would provide direct financial benefit to that member, his or her family, or place of employment, or otherwise give the appearance of a conflict of interest.

(i) The ICC may prepare and approve a budget using funds provided through the state infants and toddlers with disabilities program to do the following:

(1) Conduct hearings and forums.

(2) Reimburse members of the ICC for reasonable and necessary expenses for attending ICC meetings and performing ICC duties, including child care for the members who are representatives of parents.

(3) Pay compensation to a member of the ICC, if the member is not employed or is required to forfeit wages from other employment when absent from the other employment due to the performance of ICC business.

(4) Hire the staff and obtain services that are necessary to carry out the ICC's functions.

(j) The ICC shall do the following:

(1) Advise and assist the division in its responsibilities for the development and implementation of the early intervention system, particularly including the following:

(A) Identification of the sources of fiscal and other support for the early intervention system.

(B) Use of existing resources to the full extent in implementing the early intervention system.

(C) Promotion of the interagency agreements described in section 3 of this rule.

(2) Advise and assist the division in the preparation of applications and amendments required under 20 U.S.C. 1431 through 20 U.S.C. 1445.

(3) Advise and assist the Indiana state board of education regarding the transition of toddlers with disabilities to preschool special education services under IC 20-1-6, and the provision of appropriate services for children who are less than six (6) years of age.

(4) Prepare and submit an annual report to the governor, the general assembly, and the United States Secretary of Education, by January 1 of each year, concerning the status of early intervention programs for infants and toddlers with disabilities and their families.

(5) Assist the division in achieving the full participation, coordination, and cooperation of all appropriate state agencies.

(6) Make recommendations to participating agencies concerning improvements to each agency's delivery of services.

(7) Periodically request from the agencies responsible for providing early intervention services for infants and toddlers with disabilities and preschool special education programs, written reports concerning the implementation of each agency's respective programs.

(8) Assist the division in the effective implementation of the early intervention system by establishing a process that includes the following:

(A) Seeking information from service providers, service coordinators, parents, and others about any federal, state, or local policies that impede timely service delivery.

(B) Taking steps to ensure that any policy problems are identified and resolved.

(9) To the extent appropriate, assist the division in the resolution of disputes.

(10) With the approval of the state budget agency, assign financial responsibility to the appropriate participating state agency.

(11) Otherwise comply with 20 U.S.C. 1441, regarding the responsibilities of the ICC.

(Division of Family and Children; 470 IAC 3.1-2-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1331; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2252; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-2-3 Interagency agreements

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. (a) The division is responsible for entering into formal interagency agreements with other state agencies involved in the early intervention system.

(b) Each agreement must:

- (1) define the financial responsibility of the state agencies involved in the early intervention system for paying for early intervention services;
- (2) include procedures for achieving a timely resolution of intra-agency and interagency disputes about payments for a given service, or disputes about other matters related to the state's early intervention system, in accordance with 34 CFR 303.523(c); and
- (3) include any additional components necessary to ensure effective cooperation and coordination among the state agencies involved in the early intervention system.

(Division of Family and Children; 470 IAC 3.1-2-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1333; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-2-4 Central directory

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. (a) The division shall be responsible for the development and implementation of a central directory of information about the following:

- (1) Local resource and referral entities in the state.
 - (2) Public and private early intervention services, resources, and experts available in the state.
 - (3) Research and demonstration projects being conducted in the state.
 - (4) Professional and other groups that provide assistance to children eligible for early intervention services and their families.
- (b) The information to be included in the central directory must be in sufficient detail to:
- (1) ensure that the general public will be able to determine the nature and scope of the services and assistance available from each of the sources listed in the directory; and
 - (2) enable the parent of a child eligible for early intervention services to contact, by telephone or letter, any of the sources listed in the directory.
- (c) The central directory must be:
- (1) updated at least annually; and
 - (2) accessible to the general public.
- (d) The division shall arrange for copies of the directory to be available in the following areas:
- (1) Each county of the state.
 - (2) In places and in a manner that ensure accessibility by persons with disabilities.

(Division of Family and Children; 470 IAC 3.1-2-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1333; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-2-5 Timetables for serving eligible children

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 5. Appropriate early intervention services shall be available to all eligible infants and toddlers with disabilities in the state and their families on the effective date of this article. *(Division of Family and Children; 470 IAC 3.1-2-5; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1333; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-2-6 Public awareness

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 6. (a) The division shall maintain a public awareness program that:

- (1) focuses on the early identification of children who are eligible to receive early intervention services;

- (2) includes the preparation and dissemination to all primary referral sources, especially hospitals and physicians, of information materials for parents on the availability of early intervention services; and
- (3) includes procedures for determining the extent to which such sources disseminate such information to parents of infants and toddlers.
- (b) The public awareness program must provide for informing the public about the following:
 - (1) The state's early intervention system.
 - (2) The child find system, including the following:
 - (A) The purpose and scope of the system.
 - (B) How to make referrals.
 - (C) How to gain access to a comprehensive, multidisciplinary evaluation, and other early intervention services.
 - (3) Local resource and referral entities in the state.
 - (4) The central directory.
 - (5) The local planning and coordinating council.

(Division of Family and Children; 470 IAC 3.1-2-6; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1333; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2254; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-2-7 Supervision and monitoring

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 7. (a) The division is responsible for the following:

- (1) The general administration and supervision of early intervention services and activities receiving assistance through the United States Department of Education for early intervention services.
- (2) The monitoring of early intervention services and activities used by the state to carry out the early intervention system, whether or not those programs or activities receive assistance from the United States Department of Education for early intervention services, to ensure that the state complies with the statutes and regulations directing the early intervention system, including 20 U.S.C. 1431 et seq., 34 CFR 303, IC 12-17-15, and this article.

(b) In fulfilling its supervision and monitoring responsibilities, the division shall adopt and use proper methods of administering the early intervention system, including the following:

- (1) Monitoring agencies, institutions, and organizations participating in the early intervention system.
- (2) Enforcing any obligations imposed on participating agencies by 20 U.S.C. 1431 et seq., 34 CFR 303, IC 12-17-15, and this article.
- (3) Providing technical assistance, if necessary, to participating agencies.
- (4) Monitoring service providers for corrections of identified deficiencies.

(Division of Family and Children; 470 IAC 3.1-2-7; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1333; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2254; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 3. Local Administration

470 IAC 3.1-3-1 Local planning and coordinating council

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) The LPCC organized in each county shall serve as a coordinating body, advising and assisting the division in its implementation and monitoring of the early intervention system. The LPCC shall have a formally defined relationship with the local step ahead council.

(b) The LPCC shall consist of members who reasonably represent the population of the county where it is located. LPCC members shall include, at a minimum, the following:

- (1) Two (2) parents of children with disabilities.
- (2) One (1) health or medical representative.
- (3) One (1) educational representative.

- (4) One (1) social services representative.
- (5) One (1) early intervention service provider.
- (6) One (1) Head Start representative.
- (7) One (1) child care representative.
- (c) The LPCC shall advise and assist the division in the division's responsibility to ensure the following:
 - (1) Parents, representatives of entities that refer, evaluate, or provide services to young children and their families in the community, and other interested persons are involved in the planning, development, operation, and evaluation of the early intervention service system in the county represented by the LPCC.
 - (2) A comprehensive child find system is established, including activities to make the public aware of the early intervention system, and development of a formal system of communication and coordination among pertinent entities, especially hospitals and physicians, operating in the county that may have contact with eligible children and their families.
 - (3) An intake coordinator is appointed for every child referred for evaluation.
 - (4) A parent needing or seeking early intervention services for a child is informed orally and in writing about:
 - (A) the purposes of the early intervention system;
 - (B) the processes available to seek information and services; and
 - (C) the procedural safeguards afforded by the system.
 - (5) The parent is a member of the multidisciplinary team responsible for the development and implementation of the IFSP.
 - (6) Informed written consent of the child's parent is obtained before the initial eligibility determination for needed services and assessments are conducted.
 - (7) The providers of early intervention services are identified on the county service matrix.
 - (8) Informed written consent of a child's parent is obtained prior to the provision of early intervention services for the child and family to implement the IFSP.
 - (9) The confidentiality of personally identifiable information about a child, a parent of the child, or other member of the child's family is maintained.
 - (10) The need of a child for a surrogate parent is determined, and a surrogate parent is assigned in accordance with 470 IAC 3.1-13-5 if the child needs one.
 - (11) An early intervention record is maintained for each child at the SPOE, including the following:
 - (A) The child's IFSP.
 - (B) Information regarding all required early intervention services.
 - (C) Other individualized early intervention services needed or received by the child.
 - (D) Parental consent documents.
 - (E) Other relevant documents pertaining to the child or the child's family.This record is made available at the SPOE for inspection by the child's parent, and representatives of the division, the office of the secretary of family and social services, and the United States government.
 - (12) Local early intervention documents are maintained by the LPCC, including the following:
 - (A) Interagency agreements regarding transitions and referrals.
 - (B) Records of how funds for the LPCC are budgeted and expended.These documents shall be made available for inspection by representatives of the division, the office of the secretary of family and social services, and the United States government.
 - (13) The division is provided, upon request, the following:
 - (A) Financial and other written reports.
 - (B) Information regarding the use of funds.
 - (C) Systems request for funds (RFF).
 - (D) Any other information required to describe and assess the operation of the local early intervention system.

(Division of Family and Children; 470 IAC 3.1-3-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1334; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2254; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-3-2 System coordination

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 2. The LPCC shall recommend to the division, a recipient or recipients of funding to be used to support coordination of the early intervention system at the county level and activities of the SPOE. Funds provided by the United States Department of Education, pursuant to Part C of the Act, shall be used to plan, develop, and implement a county system of early intervention services for eligible infants and toddlers and their families. (*Division of Family and Children; 470 IAC 3.1-3-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1335; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2255; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-3-3 Supplanting

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 3. (a) The funds provided by the United States Department of Education for early intervention services pursuant to Part C of the Act shall be used to supplement and increase the level of state and local funds expended for eligible infants and toddlers with disabilities and their families, and in no case may the funds supplant state and local funds available for early intervention services.

(b) The total amount of state and local funds budgeted for expenditures for early intervention services must be at least equal to the total amount of state and local funds actually expended for early intervention services in the most recent preceding fiscal year. Allowance may be made for the following:

- (1) Decreases in the number of children who are eligible to receive early intervention services.
- (2) Unusually large amounts of funds expended for long term purposes, such as the acquisition of equipment and the construction of facilities.
- (3) Loss of funds beyond the control of a participating agency.

(*Division of Family and Children; 470 IAC 3.1-3-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1335; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2255; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-3-3.5 SPOE responsibilities

Authority: IC 12-8-8-4; 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 3.5. (a) SPOE serves as the local lead agency and shall be responsible for providing one (1) point or location within each service area in the state where referrals will be received for children eligible for early intervention services.

(b) SPOE shall provide the following:

- (1) Electronic linkage between the service area and the central reimbursement office to ensure that:
 - (A) eligibility determinations;
 - (B) enrollment; and
 - (C) authorizations;

for IFSP services occur without delay.

- (2) Access for children and their families to programs and services to meet:
 - (A) the child's developmental needs; and
 - (B) the family's needs to assist their child in meeting his or her needs.

(3) Implementation of the provisions of Part C of the Act in a family-centered, equitable, consistent, and culturally competent manner.

(4) Knowledge of all providers available to serve eligible children and assist families in the provider selection process.

(c) The SPOE will perform the following functions:

- (1) Receive referrals.
 - (2) Conduct and complete the intake process.
 - (3) Develop the early intervention record for each child referred to the SPOE, whether or not the child was determined to be eligible.
 - (4) Facilitate the initial IFSP team meeting.
 - (5) Complete the initial IFSP.
- (d) Each SPOE shall be:
- (1) handicapped accessible; and

(2) available to the general community fifty-two (52) weeks a year during normal and routine business hours.
(*Division of Family and Children; 470 IAC 3.1-3-3.5; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2256; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-3-4 Service provider responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 4. (a) The service provider shall be responsible for the following:

(1) Maintaining and providing to:

- (A) the division;
- (B) the office of the secretary of family and social services; and
- (C) the United States Department of Education;

documents supporting the expenditure of all funds received by the service provider for early intervention services.

(2) Maintaining effective control over, and accountability for, all funds received by the service provider to support the early intervention system and early intervention services, including ensuring that all funding provided for support of the early intervention system or early intervention services is used solely for authorized purposes, in accordance with state and federal laws, regulations, and rules.

(3) Consulting with parents, other service providers, and representatives of appropriate community agencies to ensure the effective provision of early intervention services.

(4) Training parents and others regarding the provision of early intervention services.

(5) Participating in the multidisciplinary team's assessment of a child and the child's family, and in the development of integrated goals and outcomes for the IFSP.

(b) Documents supporting the expenditure of funds by a service provider must be of sufficient detail to show the exact nature and cost of the expenditures for each account.

(c) Records must be maintained by a service provider in such a manner as to permit preparation of required financial reports and to indicate that the funds were used by the service provider in accordance with state and federal laws, regulations, and rules.

(d) The service provider shall keep such records and maintain and provide such information as may be required by the United States Department of Education, the office of the secretary of family and social services, and the division. The service provider shall allow access to any records and information prepared and maintained by the service provider by authorized representatives of the United States government, the office of the secretary of family and social services, and the division. (*Division of Family and Children; 470 IAC 3.1-3-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1335; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2256; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-3-5 Data collection

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15; IC 20-1-6

Sec. 5. (a) The LPCC and all participating agencies shall advise and assist the division in its collection of data regarding the following:

(1) The number of infants and toddlers with disabilities, by race and ethnicity, and their families in the state in need of appropriate early intervention services.

(2) The number of infants and toddlers with disabilities, by race and ethnicity, and their families provided early intervention services.

(3) The types of services provided.

(4) The number of infants and toddlers with disabilities by race and ethnicity, who, from birth through age two (2), stopped receiving early intervention services because of the following:

- (A) program completion; or
- (B) other reasons.

(5) Other information required by the United States Department of Education, the office of the secretary of family and social services, and the division.

(b) Data collection for reporting infants and toddlers with disabilities and their families receiving early intervention services shall be conducted in coordination with the annual child count conducted by the Indiana state board of education under 511 IAC 7-16-1 [511 IAC 7-16 was repealed filed May 22, 2000, 8:52 a.m.: 23 IR 2497. See 511 IAC 7-31.J. (Division of Family and Children; 470 IAC 3.1-3-5; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1336; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2257; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)]

Rule 4. Early Intervention Services

470 IAC 3.1-4-1 Required services

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 1. The services which must be provided to eligible infants and toddlers with disabilities and their families for which no fees may be charged to the parents include the following:

- (1) Child find.
- (2) Evaluation and assessment.
- (3) Service coordination.
- (4) Administrative and coordination activities related to the development, review, and evaluation of IFSPs, implementation of procedural safeguards, and the other required components of the statewide system of early intervention services identified in 470 IAC 3.1-2-1(b).

(Division of Family and Children; 470 IAC 3.1-4-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1336; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-4-2 Individualized services

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 2. (a) Individualized services are those early intervention services determined through the evaluation and assessment process to be needed by an eligible child and required to be provided to the child and the child's family in an IFSP. Individualized services, as defined in 34 CFR 303.12(d), include the following:

- (1) Assistive technology devices and services.
- (2) Audiology.
- (3) Family training, counseling, and home visits.
- (4) Health services.
- (5) Medical services only for diagnostic or evaluation purposes.
- (6) Nursing services.
- (7) Nutrition services.
- (8) Occupational therapy.
- (9) Physical therapy.
- (10) Psychological services.
- (11) Service coordination services.
- (12) Social work services.
- (13) Special instruction.
- (14) Speech-language pathology.
- (15) Transportation and related costs.
- (16) Vision services.

(b) The services identified in this section are not exhaustive and may include other services identified in a child's IFSP, such as respite care and other family support services. (Division of Family and Children; 470 IAC 3.1-4-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1336; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-4-3 Natural environment

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 3. (a) To the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments, as that term is defined in 470 IAC 3.1-1-20, including the home and community settings in which children without disabilities participate.

(b) Only when early intervention services cannot be achieved satisfactorily for the child in a natural environment shall the services be provided in a setting other than a natural environment. (*Division of Family and Children; 470 IAC 3.1-4-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1336; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2257; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-4-4 Availability of services

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 4. The division shall ensure required and individualized services are available throughout the calendar year in accordance with the IFSP for an eligible child and the child's family. (*Division of Family and Children; 470 IAC 3.1-4-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1336; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2257; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-4-5 Responsibility and accountability

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 5. Each service provider that has a direct role in the provision of early intervention services is responsible for making a good faith effort to assist each eligible child in achieving the outcomes in the child's IFSP. (*Division of Family and Children; 470 IAC 3.1-4-5; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1337; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2257; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 5. Personnel Standards

470 IAC 3.1-5-1 Required standards

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 1. (a) As used in this rule, "state approved or recognized certification, licensing, registration, or other comparable requirements" means the requirements that the state general assembly has enacted, or has authorized a state agency to promulgate through rules, to establish the entry-level standards for employment in a specific profession or discipline in the state.

(b) Early intervention services shall be provided by personnel who meet the highest entry-level academic degree needed for any state approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the person is providing early intervention services. (*Division of Family and Children; 470 IAC 3.1-5-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1337; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-5-2 Policies and procedures

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 2. The LPCC shall assist the ICC in advising the division in the development and implementation of policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to provide early intervention services are appropriately and adequately prepared and trained. These policies and procedures must provide for the establishment and maintenance of standards that are consistent with any state approved or state recognized certification, licensing, registration, or other comparable requirements that apply to the profession or discipline in which a person is providing early intervention services.

(Division of Family and Children; 470 IAC 3.1-5-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1337; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-5-3 Personnel development system

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. The comprehensive system of personnel development established and implemented pursuant to this rule must:

(1) be consistent with the comprehensive system of personnel development required under Part B of the Act and 34 CFR 300.380 through 34 CFR 300.387;

(2) provide for a continuum of training to be conducted on an interdisciplinary basis, to the extent appropriate;

(3) provide for the training of a variety of traditional and nontraditional personnel needed to meet the requirements of the early intervention system, including:

- (A) public and private service providers;
- (B) primary referral sources;
- (C) persons who will serve as service coordinators; and
- (D) paraprofessionals; and

(4) ensure that the training provided relates specifically to:

- (A) understanding the basic components of early intervention services available in the state;
- (B) meeting the interrelated social or emotional, health, developmental, and educational needs of children eligible for early intervention services;
- (C) assisting families in:
 - (i) enhancing the development of their children; and
 - (ii) in participating fully in the development, implementation, and monitoring of IFSPs;
- (D) implementing innovative strategies and activities for the recruitment and retention of early education service providers;
- (E) training personnel to work in rural and inner city areas; and
- (F) training personnel to coordinate transition services for infants and toddlers into, within, and from an early intervention program to preschool or other appropriate services.

(Division of Family and Children; 470 IAC 3.1-5-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1337; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2257; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 6. Identification and Referral

470 IAC 3.1-6-1 Public awareness program

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. The LPCC shall advise and assist the division in the division's development and implementation of a public awareness program, as described in 470 IAC 3.1-2-6, that focuses on the early identification of children who are eligible to receive early intervention services, including the preparation and dissemination to all primary referral sources, especially hospitals and physicians, of information materials for parents on the availability of early intervention services. *(Division of Family and Children; 470 IAC 3.1-6-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1337; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2257; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-6-2 Child find

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) The LPCC shall assist the ICC in advising the division in the establishment and implementation of policies and procedures to ensure the following:

- (1) All infants and toddlers in the state who are eligible for early intervention services are identified, located, and evaluated.
- (2) An effective method is developed and implemented to determine which children are receiving needed early intervention services, and which children are not receiving needed early intervention services.

(b) The LPCC of each county shall be responsible to organize ongoing child find activities in order to identify potential children in the community in need of early intervention services. This child find procedure shall include the opportunity for developmental screening, which is an ongoing effort to separate from the general public, those children who, through informal observation, demonstrate indications of need for further evaluation or assessment.

(c) The child find system shall be coordinated with all other major efforts conducted by other state agencies, tribes, and tribal organizations responsible for the administration of various education, health, and social service programs to locate and identify children, including, but not limited to, the following programs:

- (1) Education of Children with Disabilities program under Part B of the Act.
 - (2) Maternal and Child Health program under Title V of the Social Security Act.
 - (3) Early Periodic Screening, Diagnosis, and Treatment (EPSDT) program under Title XIX of the Social Security Act.
 - (4) Developmental Disabilities Assistance and Bill of Rights Act programs.
 - (5) Head Start Act programs.
 - (6) Supplemental Security Income program under Title XVI of the Social Security Act.
 - (7) Children's Nutrition Assistance Act (WIC) program under 42 U.S.C. 1786.
- (d) The child find system shall be coordinated, to the extent possible, with the following:

- (1) Parents.
- (2) Medical programs, such as well-baby clinics.
- (3) Indiana healthy families projects.
- (4) Hospitals.
- (5) Community child care organizations.
- (6) Step ahead councils.
- (7) Social service agencies.

(Division of Family and Children; 470 IAC 3.1-6-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1337; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2258; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-6-3 Referral procedures

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. (a) The child find system shall include procedures to be used by primary referral sources for referring a child to the local SPOE within the early intervention system for:

- (1) eligibility determination for needed services and assessment; or
- (2) as appropriate, the provision of early intervention services, including development of the initial or interim IFSP as described in 470 IAC 3.1-9.

(b) The LPCC shall establish a system of communication and coordination among participating agencies and other persons and entities within the community serving young children to form a referral network. This referral network shall:

- (1) identify and include local providers, especially hospitals and physicians, of services related to early intervention;
- (2) enhance providers' knowledge of eligibility criteria for early intervention services; and
- (3) coordinate referrals for early intervention services.

(c) The referral procedures established under this section must do the following:

- (1) Provide for an effective method of making referrals by primary referral sources.
- (2) Ensure that referrals are made to the local SPOE no more than two (2) working days after a child has been identified.
- (3) Include procedures for determining the extent to which primary referral sources, especially hospitals and physicians, disseminate the public awareness information described in 470 IAC 3.1-2-6 on the availability of early intervention services to parents of infants and toddlers with disabilities.

(Division of Family and Children; 470 IAC 3.1-6-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1338; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2258; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-6-4 Timelines to act on referrals

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. (a) Once the SPOE receives a referral, it shall appoint an intake coordinator as soon as possible.

(b) Within forty-five (45) days after the SPOE receives a referral, the SPOE shall ensure the following:

(1) Completion of eligibility determination and assessment activities to determine services needed as specified in 470 IAC 3.1-8.

(2) Hold an IFSP meeting in accordance with 470 IAC 3.1-9-1.

(Division of Family and Children; 470 IAC 3.1-6-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1338; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 7. Eligibility

470 IAC 3.1-7-1 Developmental delay

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) Children from birth through two (2) years of age shall be considered eligible to receive early intervention services if they are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one (1) or more of the following areas:

(1) Cognitive development.

(2) Physical development, including vision and hearing.

(3) Communication development.

(4) Social or emotional development.

(5) Adaptive development.

(b) When using standardized assessments or criterion-referenced measures to determine eligibility, a developmental delay is defined as:

(1) a delay in one (1) or more areas of development as determined by:

(A) one and one-half (1½) standard deviation below the mean; or

(B) twenty percent (20%) or more in function below the chronological age (adjusted for prematurity, if applicable) on an assessment instrument that yields scores in months; or

(2) a delay in two (2) or more areas of development as determined by:

(A) one (1) standard deviation below the mean; or

(B) fifteen percent (15%) or more in function below the chronological age (adjusted for prematurity, if applicable) on an assessment instrument that yields scores in months.

(c) If, because of a child's age or the kind of standardized instruments available in specific domains, a standardized score is not appropriate or cannot be determined, a child may be determined to have a developmental delay by the informed clinical opinion of a multidisciplinary team, which includes the parent and documentation from the child's primary health care provider.

(d) When relying on informed clinical opinion, developmental delay may be determined by a consensus of a multidisciplinary team, including the parent, as a member, using multiple sources of information including, at a minimum, the following:

(1) A developmental history as currently reported by the parent or primary caregiver.

(2) A review of pertinent records related to the child's current health status and medical history. Consideration may be given for:

(A) functional status;

(B) recent rate of change; and

(C) prognosis for change in the near future based on anticipated medical or health factors.

(3) At least one (1) other assessment procedure to document delayed development, such as observational assessment or planned observation of a child's behaviors and parent-child interaction or documentation of delayed development by use of nonstandardized assessment devices, such as developmental checklists.

(Division of Family and Children; 470 IAC 3.1-7-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1338; filed Mar 9, 1999, 2:05 p.m.: 22 IR

2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-7-2 High probability of development delay

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. Children from birth through two (2) years of age shall be considered eligible to receive early intervention services if they have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. This category includes children who have identified physical or mental conditions but who may not be exhibiting delays in development at the time of diagnosis. The following are the diagnosed physical or mental conditions that have a high probability of resulting in developmental delay:

- (1) Chromosomal abnormalities or genetic disorder.
- (2) Neurological disorder.
- (3) Congenital malformation.
- (4) Sensory impairment, including vision and hearing.
- (5) Severe toxic exposure.
- (6) Severe infectious disease.
- (7) Atypical development disorder.

(Division of Family and Children; 470 IAC 3.1-7-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1339; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-7-3 Biologically at-risk

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. (a) Children from birth through two (2) years of age shall be considered eligible to receive early intervention services if they are at risk of having substantial developmental delays if early intervention services are not provided due to known biological factors. The following are the biological risk factors that are considered when determining eligibility for early intervention services:

- (1) Limited prenatal care.
- (2) Maternal prenatal substance abuse.
- (3) Severe prenatal complications.
- (4) Severe perinatal complications.
- (5) Asphyxia.
- (6) Very low birth weight.
- (7) Small for gestational age (SGA).
- (8) Severe postnatal complications.

(b) Eligibility within the biologically at-risk category, indicating the significant presence of factors which are likely to lead to developmental delay, will be determined based on a statement or report signed by a physician indicating the condition that is likely to lead to developmental delay.

(c) The child's multidisciplinary evaluation and assessment must result in a determination that:

- (1) the identified condition or conditions are associated with developmental concerns; and
- (2) early intervention services are necessary to meet the needs of the child.

(Division of Family and Children; 470 IAC 3.1-7-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1339; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2260; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 8. Evaluation and Assessment

470 IAC 3.1-8-1 Evaluation and assessment activities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) Each child, birth through two (2) years of age, referred to a SPOE shall have a timely, comprehensive, multidisciplinary evaluation, including assessment activities related to the child and the child's family. The multidisciplinary team may utilize evaluations and assessments performed prior to the child's participation at this level.

(b) The evaluation and assessment of the child shall be as follows:

(1) Be conducted by personnel trained to utilize appropriate methods and procedures.

(2) Be based on informed clinical opinion.

(3) Include the following:

(A) A review of pertinent records related to the child's current health status and medical history.

(B) An evaluation of the child's level of functioning in each of the following developmental areas:

(i) Cognitive development.

(ii) Physical development, including vision and hearing.

(iii) Communication development.

(iv) Social or emotional development.

(v) Adaptive development.

(C) An assessment of the unique needs of the child in terms of each of the developmental areas specified in this subdivision, including identification of services appropriate to meet the needs of the child.

(Division of Family and Children; 470 IAC 3.1-8-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1340; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2260; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-8-2 Family assessment

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) Assessment activities related to the child and the child's family shall be family-directed and designed to determine the resources, priorities, and concerns of the family related to enhancing the development of the child.

(b) Any assessment of the family that is conducted must be voluntary on the part of the family.

(c) If an assessment of the family is carried out, the assessment must:

(1) be conducted by personnel trained to utilize appropriate methods and procedures;

(2) be based on information provided by the family through a personal interview;

(3) incorporate the family's description of its resources, priorities, and concerns related to enhancing the child's development; and

(4) be administered in the native language of the parent.

(Division of Family and Children; 470 IAC 3.1-8-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1340; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2260; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-8-3 Evaluation and assessment timelines

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. (a) Except as provided in subsection (b), the evaluation and initial assessment of each child, including the family assessment, must be completed within the forty-five (45) day time period specified in 470 IAC 3.1-6-4 required to complete evaluation and assessment activities and hold the IFSP meeting.

(b) In the event exceptional circumstances make it impossible to complete the evaluation and assessment within the forty-five (45) day time period, such as if a child is ill, the SPOE must do the following:

(1) Document the circumstances requiring a delay.

(2) Develop and implement an interim IFSP, to the extent appropriate, that includes the following:

(A) The name of the service coordinator who will be responsible for implementation of the interim IFSP and coordination with other agencies and persons.

(B) The early intervention services that have been determined to be needed immediately by the child and the child's family.

(Division of Family and Children; 470 IAC 3.1-8-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1340; filed Mar 9, 1999, 2:05 p.m.: 22 IR

2261; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-8-4 Nondiscrimination in evaluation and assessment

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. Each provider of early intervention services shall adopt nondiscriminatory evaluation and assessment procedures. Providers of early intervention services responsible for the evaluation and assessment of children and families shall, at a minimum, ensure the following:

- (1) Tests and other evaluation materials and procedures are administered in the native language of the parent or other mode of communication used by the family unless it is clearly not feasible to do so.
- (2) Any assessment and evaluation procedures and materials that are used are selected and administered so as not to be racially or culturally discriminatory.
- (3) No single procedure is used as the sole criterion for determining a child's eligibility for early intervention services.

(Division of Family and Children; 470 IAC 3.1-8-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 9. Individual Family Service Plan

470 IAC 3.1-9-1 Individual family service plan development, review, and evaluation

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) For a child who has been evaluated for the first time and determined to be eligible, a meeting to develop the initial IFSP must be conducted within the forty-five (45) day time period specified in 470 IAC 3.1-6-4 required to complete evaluation and assessment activities and hold the IFSP meeting.

(b) A review of the IFSP for a child and the child's family must be conducted every six (6) months, or more frequently if conditions warrant, or if the family requests such a review. The review may be carried out through a meeting or by any other means that are acceptable to the parent and other participants. The purpose of the periodic review is to determine the following:

- (1) The degree to which progress toward achieving the outcomes is being made.
- (2) Whether modification or revision of the outcomes or services is necessary.

(c) A meeting must be conducted on at least an annual basis to redetermine eligibility and to evaluate the IFSP for a child and the child's family and, as appropriate, to revise its provisions. The results of any current assessments, conducted under 470 IAC 3.1-8-1, and other information available from the ongoing assessment of the child and family, must be used in determining what services are needed and will be provided.

(d) IFSP meetings shall be conducted:

- (1) in settings and at times that are convenient to families; and
- (2) in the native language of the family or other mode of communication used by the family unless it is clearly not feasible to do so.

(e) Meeting arrangements must be made with, and written notice provided to, the family and other participants at least ten (10) days before the meeting date to ensure that they will be able to attend.

(f) The contents of the IFSP must be fully explained to the parent and informed, written consent from the parent must be obtained prior to the provision of early intervention services described in the plan. If the parent does not provide consent with respect to a particular early intervention service or withdraws consent after first providing it, that service may not be provided. The early intervention services to which parental consent is obtained must be provided. *(Division of Family and Children; 470 IAC 3.1-9-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1341; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2261; filed Mar 15, 2001, 8:20 a.m.: 24 IR 2465; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-9-2 Individual family service plan team

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) Each initial meeting and each annual meeting to evaluate the IFSP must include the following participants:

- (1) The parent of the child.
 - (2) Other family members, as requested by the parent, if feasible to do so.
 - (3) An advocate or person outside of the family if the parent requests that the person participate.
 - (4) The intake or service coordinator, selected by the family, who has been:
 - (A) working with the family since the initial referral of the child for evaluation; or
 - (B) designated to be responsible for implementation of the IFSP.
 - (5) A person or persons directly involved in conducting the evaluations and assessments.
 - (6) As appropriate, persons who will be, or have been, providing services to the child or family.
- (b) If a person listed in subsection (a)(5) is unable to attend a meeting, arrangements must be made for the person's involvement through other means, including any of the following:
- (1) Participating in a telephone conference call.
 - (2) Having a knowledgeable authorized representative attend the meeting.
 - (3) Making pertinent records available at the meeting.

(c) Each periodic review must provide for the participation of the persons specified in subsection (a)(1) through (a)(4). If conditions warrant, provisions must be made for the participation of other representatives identified in subsection (a). (*Division of Family and Children; 470 IAC 3.1-9-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1341; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2261; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-9-3 Content of an individual family service plan

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15; IC 20-1-6

Sec. 3. (a) The IFSP must include a statement of the child's present levels of:

- (1) physical development, including:
 - (A) vision;
 - (B) hearing; and
 - (C) health status;
- (2) cognitive development;
- (3) communication development;
- (4) social or emotional development; and
- (5) adaptive development.

This statement must be based on objective criteria.

(b) With the concurrence of the family, the IFSP must include a statement of the family's resources, priorities, and concerns related to enhancing the development of the child.

(c) The IFSP must include a statement of the major outcome or outcomes expected to be achieved for the child and family and the criteria, procedures, and timelines used to determine the following:

- (1) The degree to which progress toward achieving the outcomes is being made.
- (2) Whether modifications or revisions of the outcomes or services are necessary.

(d) The IFSP must include a statement of the specific early intervention services necessary to meet the unique needs of the child and the family to achieve the outcomes required by subsection (c), including the following:

- (1) The frequency, intensity, and method of delivering the services, including the following:
 - (A) The number of days or sessions that a service is provided.
 - (B) The length of time the service is provided during each session.
 - (C) Whether the service is provided on an individual or group basis.
 - (D) How a service is provided.
 - (E) Who is providing the service.

(2) The natural environments, as described in 470 IAC 3.1-4-3, in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment, shall be described and documented.

(3) The location where a service will be provided.

- (4) The payment arrangements, if any, including identification of funding sources for each IFSP service.
- (5) The projected dates for initiating each service, as soon as possible after the IFSP meetings, and the anticipated duration of each service.

(e) To the extent appropriate, the IFSP must include a description of the following:

(1) Medical and other services that the child needs, but that are not required to be provided through the early intervention system; however, the IFSP need not include routine medical services, such as immunizations and well-baby care unless a child needs those services and the services are not otherwise available or being provided.

(2) The funding sources to be used in paying for the services described in subdivision (1), or the steps that will be taken to secure those services through public or private sources.

(f) The IFSP must include the name of the service coordinator who is qualified to carry out all applicable service coordination responsibilities, and who will be responsible for the implementation of the IFSP and coordination with other agencies and persons.

(g) The IFSP must include the steps to be taken to support the transition of the child to another service type or location within the Part C eligibility period as well as:

(1) preschool services under Part B of the Act, in accordance with 470 IAC 3.1-11, to the extent that those services are considered appropriate; or

(2) other services that may be available, if appropriate.

(Division of Family and Children; 470 IAC 3.1-9-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1341; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2262; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-9-4 Interim individual family service plan

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. Early intervention services for a child who has been determined eligible and the child's family may commence before the completion of additional assessment(s) if the following conditions are met:

(1) Parental consent is obtained.

(2) An interim IFSP is developed that includes the following:

(A) The name of the service coordinator who will be responsible for implementation of the interim IFSP, and coordination with other agencies and persons.

(B) The early intervention services that have been determined to be needed immediately by the child and the child's family.

(3) The evaluation, assessment, and IFSP development are completed within the forty-five (45) day required time period specified in 470 IAC 3.1-8-3.

(Division of Family and Children; 470 IAC 3.1-9-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1342; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2263; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-9-5 Interruption of individual family service plan development

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 5. The SPOE shall support the development of procedures to ensure that, in the event of exceptional circumstances that make it impossible to complete the evaluation and assessment within the required forty-five (45) day time period specified in 470 IAC 3.1-8-3, the intake coordinator will:

(1) document those circumstances;

(2) develop and implement an interim IFSP, to the extent appropriate; and

(3) assemble and maintain all available data and information, to the extent feasible, until the IFSP process can be completed, or forward the information to the appropriate entities for inclusion in a subsequent IFSP.

(Division of Family and Children; 470 IAC 3.1-9-5; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1342; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2263; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 10. Service Coordination

470 IAC 3.1-10-1 Designation of a service coordinator

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) Service coordinators shall be selected by the parent of a child eligible for early intervention services.

(b) A service coordinator:

(1) must be qualified to carry out the responsibilities specified in this section; and

(2) may not be a person providing any other direct early intervention services.

(c) A service coordinator must be a person who has, at a minimum, demonstrated knowledge and understanding about the following:

(1) Infants and toddlers who are eligible for early intervention services.

(2) Part C of the Act, IC 12-17-15, 34 CFR 303, and this article directing the implementation of the early intervention system.

(3) The nature and scope of services available through the early intervention system.

(4) The system of payments for early intervention services in the state.

(Division of Family and Children; 470 IAC 3.1-10-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1342; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2263; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-10-2 Service coordinator responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) The division shall be responsible for developing and implementing policies to ensure that service coordinators are able to effectively carry out the responsibilities identified in this section. Each child eligible for early intervention services and the child's family must be provided with one (1) service coordinator who shall be responsible for the following:

(1) Coordinating all services identified in the IFSP.

(2) Serving as the single point of contact in helping families obtain the services and assistance they need.

(b) Service coordination is an active, ongoing process that involves the following:

(1) Assisting parents of eligible children in gaining access to the early intervention services and other services identified in the IFSP.

(2) Coordinating the provision of early intervention services and other services, such as medical services for other than diagnostic and evaluation purposes, that the child needs or is being provided.

(3) Facilitating the timely delivery of available services.

(4) Continuously seeking the appropriate services and situations necessary to benefit the development of each child being served for the duration of the child's eligibility.

(c) Specific service coordination activities shall include the following:

(1) Coordinating the performance of evaluations and assessments.

(2) Facilitating and participating in the development, review, and evaluation of IFSPs.

(3) Assisting families in identifying available service providers.

(4) Coordinating and monitoring the delivery of available services.

(5) Informing families of the availability of advocacy services.

(6) Coordinating with medical and health providers.

(7) Facilitating the development of a transition plan into, within, or from preschool, or other services, as appropriate.

(8) Assuring that the family is informed of its rights, options, and role in the early intervention process.

(9) Providing a conflict resolution function as needed.

(10) Facilitating the sharing of early intervention information between participating service providers and the family.

(11) Coordinating financial case management at the family's request.

(12) Providing information and support to the family.

(Division of Family and Children; 470 IAC 3.1-10-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1343; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2263; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-10-3 Intake coordinator

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 3. An intake coordinator shall be provided for each child and his or her family referred for eligibility determination and early intervention service needs for the period of time from the date of referral through the development of the initial IFSP. The intake coordinator shall be responsible for the following:

- (1) Facilitating a determination as to eligibility of the referred child and the child's family, in conjunction with the multidisciplinary assessment team, and doing the following:
 - (A) If a child is deemed not eligible, identifying and suggesting:
 - (i) alternative information, services, or support for the family, including information about the process for initiating reassessment; or
 - (ii) due process actions.
 - (B) If a child is deemed eligible and the family consents, but the family does not consent to the provision of early intervention services, informing the family of available rights and the possible consequences if early intervention services are not provided.
 - (C) If eligibility is established, and the family consents scheduling the IFSP meeting and developing an interim IFSP if appropriate.
- (2) Assisting the child's family in the selecting of the ongoing service coordinator.
- (3) Assisting the child's family in selecting the service provider or providers.
- (4) Providing information and support to the family.
- (5) Contacting and coordinating with those who will be conducting the evaluations and assessments based upon identified need and informed parental direction.
- (6) Gathering and recording data regarding the child, the child's family, and the early intervention services needed for the child and the child's family.
- (7) Maintaining communication with the child and the child's family, including providing notification of all decisions made regarding services for the child or the child's family.
- (8) Facilitating the attendance of key participants in the IFSP meeting, especially the parent.
- (9) Conducting or facilitating the IFSP meeting.
- (10) Assuring the development of an appropriate IFSP.

(Division of Family and Children; 470 IAC 3.1-10-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1343; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2264; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 11. Transition

470 IAC 3.1-11-1 Transition from early intervention system

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15; IC 20-1-6

Sec. 1. Service providers in the early intervention system, and the service coordinator assigned to assist an eligible child and the child's family, have the responsibility to facilitate a smooth transition of a child and family participating in the early intervention system into, within, or from preschool services provided under Part B of the Act, or to any other environment or combination of environments determined to be appropriate for the child, prior to or at their third birthday. *(Division of Family and Children; 470 IAC 3.1-11-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1344; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2264; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-11-2 Division responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15; IC 20-1-6

Sec. 2. (a) To facilitate the transition process for each eligible child and the child's family, the division shall do the following:

(1) Maintain an interagency agreement with the Indiana state board of education, Head Start, Healthy Families, and other entities outlining each party's role and responsibilities to ensure a smooth transition from early intervention services under Part C of the Act to preschool services under Part B of the Act.

(2) Establish the procedures and forms that participants in the early intervention system must follow and use for transition services to ensure the following information is recorded for each eligible child:

(A) A description of how the child's family will be included in the transition plans.

(B) A description of how the service coordinator will do the following:

(i) Notify the appropriate local educational agency or intermediate educational unit in which the child resides.

(ii) Convene, with the approval of the family, a conference among representatives of the division, the family, and the local educational agency or unit, at least ninety (90) days before the child's third birthday or, if earlier, the date on which the child is eligible for preschool services provided in accordance with Part B of the Act and state law, to do the following:

(AA) Review the child's program options for the period from the child's third birthday through the remainder of the school year.

(BB) Establish a transition plan.

(b) The division will seek to identify and establish collaborative agreements with any other programs or entities to facilitate the transition of infants and toddlers, at or prior to their third birthday, to other needed services. (*Division of Family and Children; 470 IAC 3.1-11-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1344; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2265; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-11-3 Local planning and coordinating council responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. The LPCC shall support and facilitate the establishment of interagency agreements with participating agencies to ensure the smooth transition of eligible children from the early intervention system to the preschool system or to other appropriate services. The division shall monitor the activities of service providers and service coordinators to ensure that established transition procedures are adhered to. (*Division of Family and Children; 470 IAC 3.1-11-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1344; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2265; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-11-4 Service coordinator responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. (a) The service coordinator shall be responsible for the development and implementation of a transition plan process, which process must include the following:

(1) Discussions with, training of, and instructions for parents regarding due process rights, future service options, and other matters related to the child's transition into, within, or from the early intervention system.

(2) Procedures that parents and service providers will utilize to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting. These activities should be established during the last IFSP meeting before the anticipated transition.

(3) With the consent of the parent, the transmission of information about the child to the local educational agency, or other service provider, to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed.

(b) With the informed, written consent of the parent, the service coordinator shall notify the local educational agency of the child's residence or Part B preschool service provider, or both, eighteen (18) months prior to a child's third birthday, or as soon as the child enters the early intervention system if they are older than eighteen (18) months when they enter the system. The information to be provided by the service coordinator shall include the child's name, the date of birth, and the suspected disability.

(c) At least six (6) months prior to a child's third birthday, with the informed, written consent of the child's parent, the service coordinator shall transmit to the local educational agency of the child's residence, the following:

(1) The most recent IFSP.

- (2) The most recent evaluation reports from any appropriate sources.
- (3) Other information determined with the family to be relevant to program planning and service delivery.

(d) The service coordinator shall convene, with the approval of the family, a transition conference including the family, the local educational agency of the child's residence, current service providers, and potential service providers, at least ninety (90) days prior to the child's third birthday, or up to six (6) months prior to the child's third birthday, at the discretion of all parties required to attend the transition conference, or any other anticipated transition, to do the following:

- (1) Review the child's program options for the period from the third birthday through the remainder of the school year.
- (2) Establish the transition plan, that includes the following:
 - (A) Desired outcomes.
 - (B) Identified service providers.
 - (C) An outline regarding transfer of information.
 - (D) Timelines with dates of anticipated conclusion of early intervention services and commencement of subsequent activities.
 - (E) With the concurrence of the parent, a statement of the family's priorities, concerns, and resources related to transition expectations.

(Division of Family and Children; 470 IAC 3.1-11-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1344; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2265; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 12. Financial Administration

470 IAC 3.1-12-1 Payor of last resort; interim payments; nonreduction of benefits

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) Except for interim payments described in subsection (b), funds provided by the United States Department of Education for early intervention services through Part C of the Act may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source but for the provision of Part C funds by the United States Department of Education. Therefore, funds provided through state and federal Part C may be used only for early intervention services that an eligible child needs but is not currently entitled to receive under any other federal, state, local, or private source.

(b) In accordance with 34 CFR 303.527(b), if necessary to prevent a delay in the timely provision of services to an eligible child or the child's family, Part C funds may be used to pay a service provider, pending reimbursement from the agency or entity that has ultimate responsibility for the payment. Payment under this subsection may be made for the following:

- (1) Required and individualized early intervention services.
- (2) Eligible health services, as described in 34 CFR 303.13.
- (3) Other functions and services authorized by Part C of the Act and 34 CFR 303.

(c) Nothing in this article may be construed to permit the state to reduce medical or other assistance available or to alter eligibility under Title V of the Social Security Act (relating to maternal and child health), Title XIX of the Social Security Act (relating to Medicaid for children eligible for early intervention services through Part C of the Act), or any medical program administered by the Secretary of the United States Department of Defense within the state. *(Division of Family and Children; 470 IAC 3.1-12-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1345; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2266; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-12-2 Funding sources

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) The individualized services specified in 470 IAC 3.1-4-2, provided to eligible infants and toddlers and their families, shall be financed through multiple funding sources. Sources which may be available to finance individualized services, as appropriate, may include, but are not limited to, the following:

- (1) Title XIX of the Social Security Act (Medicaid).
- (2) Third party payors, including private health insurers.

(3) Any medical program administered by the Secretary of the United States Department of Defense.

(b) All infants and toddlers and their families who are eligible for early intervention services through Medicaid and Childrens' Special Health Care Services must apply for Medicaid and Childrens' Special Health Care Services.

(c) Third party payors, such as health insurance companies, may be billed for the costs of appropriate early intervention services with informed, written parental consent through financial case management.

(d) Notwithstanding subsections (b), (c), and section 3 of this rule, the provision of early intervention services may not be denied or delayed due to disputes between service providers or other agencies regarding financial responsibility to pay for early intervention services.

(e) Nothing in this article shall be construed as restricting any service provider from providing services to any person regardless of eligibility status; however, no service provider may utilize any early intervention system funding source for services provided to any ineligible child or family or file claims for reimbursement from the early intervention system for services rendered to such child or family. (*Division of Family and Children; 470 IAC 3.1-12-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1345; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2266; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-12-3 Service arrangements

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. The division shall establish policies and procedures pertaining to the contracting, or making of other arrangements, with public or private service providers to provide early intervention services. These policies shall include the following:

(1) A requirement that providers of all early intervention services meet established state standards, consistent with federal and state statutes, regulations, and rules directing the early intervention system.

(2) The mechanisms that will be used in arranging for services, including the process for awarding provider agreements.

(3) The basic requirements that must be met by any individual or organization seeking to provide early intervention services. (*Division of Family and Children; 470 IAC 3.1-12-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1346; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2267; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-12-4 Reports and records

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. (a) Service providers shall make reports and maintain records in such form and containing such information as may be required by the Secretary of the United States Department of Education, the office of the secretary of family and social services, and the division.

(b) Service providers shall maintain all reports and records, and afford access to those reports and records, as the Secretary of the United States Department of Education, the office of the secretary of family and social services, and the division may find necessary to assure the following:

(1) Compliance with the statutes, regulations, and rules directing the implementation of the early intervention system.

(2) Correctness and verification of reports.

(*Division of Family and Children; 470 IAC 3.1-12-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1346; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2267; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-12-5 Fiscal controls; expenditures

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 5. (a) Service providers shall adopt fiscal control and fund accounting procedures to assure proper disbursement of, and accounting for, funds for early intervention services.

(b) Funds for early intervention services must be expended in accordance with the federal and state statutes, regulations, and rules established for each fund source. (*Division of Family and Children; 470 IAC 3.1-12-5; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-12-6 Reimbursement

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 6. The division shall establish and implement procedures to assure the timely reimbursement of the costs of early intervention services and methods and rates of reimbursement, if applicable, to reimburse early intervention service providers. *(Division of Family and Children; 470 IAC 3.1-12-6; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 13. Procedural Safeguards

470 IAC 3.1-13-1 Definitions

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 1. (a) As used in this rule, “native language”, where used with reference to persons of limited English proficiency, means the language or mode of communication normally used by the parent of a child eligible for early intervention services.

(b) As used in this rule, “personally identifiable” means information that includes any of the following:

- (1) The name of the child, the child's parent, or other family member.
- (2) The address of the child.
- (3) A personal identifier, such as the child's or parent's Social Security number.
- (4) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

(Division of Family and Children; 470 IAC 3.1-13-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-13-2 Prior notice; native language

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 2. (a) Written notice must be given to the parent of a child eligible for early intervention services at least ten (10) days before an early intervention service provider proposes, or refuses, to initiate or change:

- (1) the identification, evaluation, or placement of the child; or
- (2) the provision of appropriate early intervention services to the child and the child's family.

(b) The notice must be in sufficient detail to inform the parent about the following:

- (1) The action that is being proposed or refused.
- (2) The reasons for taking the action.
- (3) All procedural safeguards that are available.
- (4) The state complaint procedures under sections 470 IAC 3.1-14-1, including a description of how to file a complaint and the timelines under those procedures.

(c) The notice must be written in language understandable to the general public and provided in the native language of the parent unless it is clearly not feasible to do so.

(d) If the native language or other mode of communication of the parent is not a written language, the service coordinator shall take steps to ensure the following:

- (1) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication.
- (2) The parent understands the notice.
- (3) There is written evidence that the requirements specified in this section have been met.

(e) If a parent is deaf or blind or has no written language, the mode of communication must be that normally used by the parent, such as sign language, braille, or oral communication. *(Division of Family and Children; 470 IAC 3.1-13-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1347; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2267; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-13-3 Development of procedural safeguards

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. (a) The division shall be responsible for the development of procedural safeguards and ensuring effective implementation of procedural safeguards by each service provider.

(b) The division shall widely disseminate the procedural safeguards to parents and other interested individuals, including parent training centers, protection and advocacy agencies, independent living centers, and other appropriate entities. (*Division of Family and Children; 470 IAC 3.1-13-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1347; filed Mar 15, 2001, 8:20 a.m.: 24 IR 2465; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-4 Parental consent

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. (a) Informed, written parental consent must be obtained before:

- (1) conducting the initial evaluation and assessment of a child; and
- (2) initiating the provision of early intervention services.

(b) If consent is not given by the parent, the service coordinator shall make reasonable efforts to ensure that the parent:

- (1) is fully aware of the nature of the evaluation and assessment or other services that would be available; and
- (2) understands that the child will not be able to receive the evaluation and assessment or other services, unless consent is given.

(c) The parent of a child eligible for early intervention services may determine whether the parent, the child, or other family members will accept or decline any early intervention service, and may decline such a service after first accepting it, without jeopardizing other early intervention services. (*Division of Family and Children; 470 IAC 3.1-13-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1347; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-5 Surrogate parents

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 5. (a) The division shall be responsible to ensure that the rights of children eligible for early intervention services are protected if:

- (1) no parent can be identified;
- (2) the SPOE, after reasonable efforts, cannot discover the whereabouts of a parent; or
- (3) the child is a ward of the state.

(b) The division, in cooperation with the LPCC, shall be responsible for the development of policies and procedures for determining whether a child needs a surrogate parent and for assigning a surrogate parent for the child. Such policies and procedures shall ensure that a person selected as a surrogate parent:

- (1) has no interest that conflicts with the interests of the child he or she represents; and
 - (2) has knowledge and skills that ensure adequate representation of the child.
- (c) A person assigned as a surrogate parent may not be any of the following:
- (1) An employee of the division.
 - (2) An employee of any state agency.
 - (3) An employee of any entity providing early intervention services to the child or to a family member of the child.

A person who otherwise qualifies to be a surrogate parent shall not be considered an employee of an agency solely because he or she is paid by the agency to serve as a surrogate parent.

(d) A surrogate parent may represent a child in all matters related to the following:

- (1) The evaluation and assessment of the child.
- (2) Development and implementation of the child's IFSPs, including annual evaluations and periodic reviews.
- (3) The ongoing provision of early intervention services to the child.

(4) Any other rights established under Part C of the Act and the implementing regulations in 34 CFR 303. (*Division of Family and Children; 470 IAC 3.1-13-5; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1347; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2267; filed Mar 15, 2001, 8:20 a.m.: 24 IR 2466; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-6 Confidentiality of personally identifiable information

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 6. (a) Except as provided in subsection (b), parental consent must be obtained before personally identifiable information is:

- (1) disclosed to anyone other than the officials of the participating agency collecting or using early intervention information; or
- (2) used for any purpose other than meeting the requirements of the early intervention system.

(b) The SPOE shall not release information from a child's early intervention records to other participating agencies without parental consent unless authorized under the Family Educational Rights and Privacy Act, codified at 20 U.S.C. 1232g, and the implementing regulations found at 34 CFR 99. Should there be a disagreement between a participating agency and a parent regarding the release of personally identifiable information related to a child, the parent must be provided notice of the right to a hearing conducted in accordance with 34 CFR 99.22. (*Division of Family and Children; 470 IAC 3.1-13-6; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1348; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2268; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-7 Notice to parents

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 7. (a) Participating agencies shall provide notice that is adequate to fully inform parents about the following:

- (1) A description of the extent that the notice is given in the native languages of the various population groups in the state.
- (2) A description of:
 - (A) the children on whom personally identifiable information is maintained;
 - (B) the types of information sought;
 - (C) the methods the participating agencies intend to use in gathering the information, including the sources from whom information is gathered; and
 - (D) the uses to be made of the information.
- (3) A summary of the policies and procedures that participating agencies must follow regarding:
 - (A) storage;
 - (B) disclosure to third parties;
 - (C) retention; and
 - (D) destruction;

of personally identifiable information.

(4) A description of all of the rights of parents and children regarding the information described in this section, including the rights provided through the Family Educational Rights and Privacy Act and the implementing regulations in 34 CFR 99.

(b) Before any major identification, location, or evaluation activity, the notice identified in subsection (a) must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the state of the activity. (*Division of Family and Children; 470 IAC 3.1-13-7; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-8 Opportunity to examine records

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 8. (a) The parent of a child eligible for early intervention services must be afforded the opportunity to inspect and review records relating to:

- (1) evaluations and assessments;
- (2) eligibility determinations;
- (3) development and implementation of IFSPs;
- (4) individual complaints dealing with the child; and
- (5) any other early intervention records about the child and the child's family.

(b) All participating agencies shall permit a parent to inspect and review all early intervention records relating to his or her child collected, maintained, or used by any participating agency, without unnecessary delay, prior to holding the IFSP meeting or any meeting related to:

- (1) the child's identification, evaluation, assessment; or
- (2) the provision of needed services;

and, in no case, more than forty-five (45) days after the request has been made.

(c) The right to inspect and review early intervention records includes the following:

- (1) The right to a response from a participating agency to reasonable requests for explanations and interpretations of a child's early intervention records.
- (2) The right of a parent to request that the participating agency provide copies of records containing information concerning the child or the child's family, if the failure to provide copies would effectively prevent the parent from exercising the right to inspect and review the records.
- (3) The right of a parent to have a representative of the parent inspect and review the records.

(d) The SPOE or service provider may presume that a parent has authority to inspect and review records relating to his or her child unless the SPOE has been advised that the parent does not have the authority under applicable state law or court order. (*Division of Family and Children; 470 IAC 3.1-13-8; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1348; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2268; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-9 Record of access; multiple records; location

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 9. (a) Each SPOE shall keep a record of authorized parties obtaining access to early intervention records collected, maintained, or used by the SPOE, except access by parents and authorized employees of the SPOE, including:

- (1) the name of the party requesting access;
 - (2) the date access was given; and
 - (3) the purpose for which the party is authorized to use the records.
- (b) If any record includes information on more than one (1) child, the parent of that child has the right:
- (1) to inspect and review only the information relating to his or her child; or
 - (2) to be informed of that specific information.

(c) Each SPOE shall provide a parent, upon request, a list of the types and locations of early intervention records collected, maintained, or used by the SPOE. (*Division of Family and Children; 470 IAC 3.1-13-9; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1349; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2269; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-10 Amendment of records at parent's request

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 10. (a) A parent who believes information in his or her child's early intervention records is inaccurate or misleading, or violates the privacy or other rights of the child, may request the SPOE maintaining the records to amend the information.

(b) The SPOE shall decide whether to amend the records in accordance with the request, within a reasonable period of time of the receipt of the request, but in no case later than forty-five (45) days from the receipt of the request.

(c) If the SPOE decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal, and advise the parent of the right to a hearing, in accordance with 470 IAC 3.1-15 regarding the refusal. (*Division of Family and Children; 470 IAC 3.1-13-10; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1349; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2269; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-11 Opportunity for and result of hearing

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 11. (a) Participating agencies shall, on request, provide a parent the opportunity for a hearing, in accordance with 470 IAC 3.1-15, to challenge information contained in his or her child's early intervention records that the parent believes is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

(b) If, as a result of a hearing, it is determined that the information is inaccurate, misleading, or violates the privacy or other rights of the child, the participating agency shall amend the information accordingly and inform the parent in writing.

(c) If, as a result of a hearing, it is determined that the information is not inaccurate, misleading, or violates the privacy or other rights of the child, the participating agency shall inform the parent of the right to place in the child's records a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the participating agency. Any explanation placed in the child's records must:

(1) be maintained by the participating agency as part of the records of the child, as long as the records or the contested portion is maintained by the participating agency; and

(2) be disclosed, if the records of the child are, or the contested portion is, disclosed by the participating agency to any party.

(d) Any hearing held under this section must be conducted in accordance with the procedures mandated by the Family Educational Rights and Privacy Act and 34 CFR 99.22. (*Division of Family and Children; 470 IAC 3.1-13-11; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-12 Safeguards

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 12. (a) Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

(b) One (1) official of each participating agency shall assume responsibility for ensuring the confidentiality of personally identifiable information.

(c) All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures concerning the confidentiality of personally identifiable information.

(d) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information. (*Division of Family and Children; 470 IAC 3.1-13-12; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-13 Destruction of information

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 13. The SPOE shall maintain a child's early intervention records for at least five (5) years after the child leaves the early intervention system unless the family requests the destruction of the records prior to that time. (*Division of Family and Children; 470 IAC 3.1-13-13; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1350; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2269; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-13-14 Enforcement

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 14. (a) The LPCC and the division shall collect and maintain information. The division shall ensure that all requirements governing the confidentiality of records and early intervention information maintained by participating agencies are being implemented by the participating agencies.

(b) In the event that compliance deficiencies are identified, the division shall report the deficiency, in writing, to the responsible

participating agency. This report shall:

- (1) describe the unmet requirement or requirements leading to the deficiency;
- (2) specify the action necessary to correct the deficiency; and
- (3) establish a timeline for implementing the corrective action.

(c) If corrective action is not taken, and if further assistance from appropriate enforcement personnel is unsuccessful in remedying the deficiency, the division retains the option of initiating procedures to:

- (1) stop further federal and state financial support to the offending service provider; and
- (2) require refund payments of monies already provided to the participating agency through the state, from state and federal sources.

(Division of Family and Children; 470 IAC 3.1-13-14; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1350; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2269; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 14. Due Process Procedures for Violations of Federal and State Laws, Regulations, and Rules

470 IAC 3.1-14-1 Complaints; violations of law

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) Any individual or organization may file a complaint against a participating agency alleging violations of federal or state laws, regulations, and rules that apply to the early intervention system.

(b) The complaint shall:

- (1) be in writing;
- (2) indicate the allegations of violation or violations and the factual circumstances on which the allegations are based;
- (3) be signed by the complainant or complainants;
- (4) be submitted to the division no later than one (1) year after the date of the alleged violation, unless:
 - (A) a longer period is reasonable because the violation is continuing; or
 - (B) the individual or organization is requesting compensatory services, reimbursement, or corrective action for an alleged violation that occurred no longer than three (3) years prior to the date the division receives the complaint;
- (5) indicate the name of the child and the address of the residence of the child; and
- (6) indicate a proposed resolution of the problem to the extent known and available to the parents at the time.

(c) The division, or its designee, shall be responsible for the assignment of an individual to investigate a complaint.

(d) Any individual assigned to investigate a complaint shall have knowledge of the early intervention system.

(e) The division shall develop a model form to assist parents in filing a complaint and widely disseminate it to parents and other interested individuals.

(f) If a complaint is also the subject of a due process hearing under 470 IAC 3.1-15, or contains multiple issues, including due process issues, the division must do the following:

- (1) Set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing.
- (2) Resolve all parts of the complaint that are not part of the due process action within the sixty (60) calendar day time line described in section 2 of this rule.

(g) If an issue is raised in a complaint that has previously been decided in a due process hearing involving the same parties, the:

- (1) hearing decision is binding; and
- (2) division must inform the complainant of the binding decision.

(Division of Family and Children; 470 IAC 3.1-14-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1350; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2269; filed Mar 15, 2001, 8:20 a.m.: 24 IR 2466; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-14-2 Complaint investigator responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) The complaint investigator shall do the following:

- (1) Carry out an independent, on-site investigation, if the investigator determines an on-site investigation is necessary, including contacting the complainant and the participating agency named in the complaint to clarify the issues if necessary.
- (2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.
- (3) Review all relevant information and make an independent determination as to whether the participating agency violated, or is violating, the laws, regulations, and rules directing the early intervention system.
- (4) Issue a written decision that addresses each allegation in the complaint, and contains findings of fact and conclusions, and the reasons for the complaint investigator's final decision. The written decision shall be provided to the following:
 - (A) The complainant.
 - (B) The director or chief executive officer of the participating agency involved.
 - (C) The director of the division.
- (5) Facilitate procedures for effective implementation of the written decision, if needed, including:
 - (A) technical assistance activities;
 - (B) negotiations; and
 - (C) corrective actions to achieve compliance.

(b) The final written response of the complaint investigator shall be issued within sixty (60) days of the date the written complaint is received by the division.

(c) An extension of time for issuance of the written decision may be granted by the director of the division, upon request of the complaint investigator, if exceptional circumstances exist with respect to a specific complaint and good cause is shown. In that event, all parties shall be notified, in writing, of any extension and the reasons therefor.

(d) Any timelines for the participating agency to submit a corrective action plan and to achieve compliance with the plan shall be included in the complaint investigator's decision. Compliance with orders issued by the complaint investigator shall be monitored by the division and the LPCC. (*Division of Family and Children; 470 IAC 3.1-14-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1350; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-14-3 Failure to comply

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. (a) The failure of the participating agency to comply with orders issued by a complaint investigator may result in the withholding by the state of federal and state funds to the agency.

(b) A complaint alleging a participating agency's failure to implement a due process decision must be resolved by the division. (*Division of Family and Children; 470 IAC 3.1-14-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1351; filed Mar 15, 2001, 8:20 a.m.: 24 IR 2467; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-14-4 Reconsideration by the director (Repealed)

Sec. 4. (*Repealed by Division of Family and Children; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2272*)

Rule 15. Impartial Procedures for Resolving Individual Child Complaints; Due Process Hearings

470 IAC 3.1-15-1 Rights to an impartial hearing

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) The parents of an eligible child and a participating agency have the right to initiate an impartial hearing prior to:

(1) the proposal, or refusal, to initiate or change the:

- (A) identification;
- (B) evaluation; or
- (C) placement;

of a child; or

- (2) the provision of early intervention services to a child or the child's family.
- (b) A request for a due process hearing and the appointment of an independent hearing officer shall:
 - (1) be in writing and signed;
 - (2) be filed simultaneously with the other parties, and their agents, and the division; and
 - (3) specify the reasons for the hearing request.
- (c) Any impartial hearing conducted in accordance with this rule shall be conducted by the impartial hearing officer.
- (d) All participating agencies shall inform a parent of any free or low cost legal and other relevant services available if:
 - (1) the parent requests the information; or
 - (2) the parent or participating agency initiates a hearing in accordance with this rule.

(Division of Family and Children; 470 IAC 3.1-15-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1351; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2270; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3.1-15-2 Impartial hearing officer

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) The assignment of an impartial hearing officer shall be made by the division or its designee.

(b) The person assigned to conduct an impartial hearing must have knowledge about the statutes, regulations, and rules directing the early intervention system and the needs of, and services available for, eligible infants and toddlers and their families. The impartial hearing officer shall do the following:

(1) Listen to the presentation of relevant viewpoints about the complaint, examine all information relevant to the issues, and seek to reach a timely resolution of the complaint.

(2) Provide a record of the proceedings, including a written decision which contains findings of fact and conclusions and the reasons for the decision.

(c) A hearing may not be conducted by the following:

(1) A person who is an employee of a participating agency involved in providing early intervention services or care to the child.

(2) A person having a personal or professional interest that would conflict with his or her objectivity in implementing the hearing process.

(3) A person who is an employee of the state agency involved in the education of the child.

(d) A person who otherwise qualifies to conduct a hearing under this rule shall not be considered an employee of a participating agency solely because he or she is paid by the participating agency to implement the complaint resolution process.

(e) The division or its designee shall keep a list of the persons available to serve as hearing officers. The list must include information regarding the qualifications of each of the hearing officers.

(f) The division or its designee shall provide training for hearing officers used to conduct hearings under this rule. *(Division of Family and Children; 470 IAC 3.1-15-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1351; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2270; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3.1-15-3 Hearing rights

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 3. (a) Any party to a hearing conducted under this rule shall have a right to the following:

(1) Disclosure to all other parties of all evaluations and recommendations, based on the offering party's evaluation, that the party intends to use at the hearing, that have been completed by five (5) business days prior to the hearing.

(2) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for eligible infants and toddlers with disabilities.

(3) Present evidence and confront, cross-examine, and compel the attendance of witnesses.

(4) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) days before the hearing.

(5) Obtain a written or, at the option of the parents, electronic verbatim transcription of the hearing.

(6) Obtain written, or at the option of the parents, electronic verbatim transcription, findings of fact, and decisions.

(b) Parents involved in hearings have the right to have:

(1) the child who is the subject of the hearing present at the hearing; and

(2) the hearing open to the public.

(c) The division or its designee, after deleting any personally identifying information, shall transmit the findings and decision to the ICC and make the findings and decision available to the public. (*Division of Family and Children; 470 IAC 3.1-15-3; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1352; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2271; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-15-4 Convenience of proceedings

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. Any proceeding for implementing the impartial hearing process must be carried out at a time and place that is reasonably convenient to the parent of an eligible child. (*Division of Family and Children; 470 IAC 3.1-15-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1352; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-15-5 Hearing decision; appeal for impartial review

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 5. A decision made in a hearing conducted under this rule is final unless a party to the hearing appeals the decision under sections 6 and 7 of this rule. (*Division of Family and Children; 470 IAC 3.1-15-5; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1352; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-15-6 Administrative appeal; impartial review

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 6. (a) Any party aggrieved by the findings and decision of the impartial hearing officer may appeal to the division.

(b) If there is an appeal, the division shall conduct an impartial review of the hearing. The official conducting the review shall do the following:

(1) Examine the entire hearing record.

(2) Ensure that the procedures at the hearing were consistent with the requirements of due process.

(3) Seek additional evidence if necessary.

(4) If a hearing is held to receive additional evidence, provide the hearing rights specified in section 3 of this rule.

(5) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official.

(6) Make an independent decision on completion of the review.

(7) Give a copy of the written findings of fact and decision to the parties.

(c) The decision made by the reviewing official is final unless a party brings a civil action under section 7 of this rule.

(d) The division, after deleting any personally identifiable information, shall do the following:

(1) Transmit the findings and decisions made under this rule to the ICC.

(2) Make those findings and decisions available to the public.

(*Division of Family and Children; 470 IAC 3.1-15-6; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1352; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2271; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-15-7 Civil action

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 7. Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under section 6 of this rule, and any party aggrieved by the decision of a reviewing officer under section 6 of this rule, has the right to bring a civil

action in any court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. (*Division of Family and Children; 470 IAC 3.1-15-7; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1352; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-15-8 Timelines and convenience of hearings and reviews

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 8. (a) The division shall ensure that not later than forty-five (45) days after the receipt of a request for a hearing:

- (1) a final decision is reached in the hearing; and
- (2) a copy of the decision is mailed to each of the parties.

(b) Any party dissatisfied with the decision may appeal for an impartial review by the division under section 6 of this rule. The appeal must:

- (1) be in writing;
 - (2) filed simultaneously with the division and the opposing party; and
 - (3) filed within thirty (30) calendar days of the date the hearing officer's decision is received by the party.
- (c) The division shall ensure that not later than thirty (30) days after the receipt of a request for a review:

- (1) a final decision is reached in the review; and
- (2) a copy of the decision is mailed to each of the parties.

(d) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in subsections (a) and (b) at the request of either party.

(e) Each hearing and each review involving oral arguments must be conducted at a time and place that is reasonably convenient to the parent and child involved. (*Division of Family and Children; 470 IAC 3.1-15-8; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1353; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2271; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-15-9 Mediation

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 9. (a) Mediation is a voluntary option that can be used when a parent and a participating agency cannot agree on matters related to the identification, evaluation, or provision of services to a child or the child's family, as an alternative to the procedures found in this rule.

(b) Mediation may be requested when both parties agree to the mediation process.

(c) Mediation may occur prior to or concurrent with a request for an impartial hearing. A request for mediation shall not preclude or delay an impartial hearing, the timelines required to be met when an impartial hearing is conducted, nor deny any other rights afforded under Part C.

(d) Persons who serve as mediators shall:

- (1) be trained in effective mediation techniques;
- (2) have no conflicts of interest concerning the parties or issues involved in the mediation process;
- (3) be impartial; and
- (4) have knowledge of the early intervention system and the needs of infants and toddlers with disabilities and their families.

(e) The division shall:

- (1) Maintain a list of qualified mediators.
- (2) Assure that each session in the mediation process is scheduled in a timely manner.
- (3) Assure that the location of the scheduled mediation is convenient to the parties in dispute.
- (4) Bear the cost of the mediation process.

(f) A mediation agreement:

- (1) shall not be binding upon any party;
- (2) shall be submitted to the IFSP team for approval; and
- (3) shall be in writing.

(g) Discussions that occur during the mediation process must:

(1) be confidential; and

(2) not be used as evidence in any subsequent due process hearings or civil proceedings.

(h) Parties to the mediation must sign a confidentiality pledge prior to the commencement of the process.

(i) Where an impartial hearing has been requested and an impartial hearing officer assigned, the mediation agreement shall be submitted, upon request of the hearing officer, to the hearing officer.

(j) If a mediation agreement is reached while a petition for review is pending with the division, the agreement shall, upon request of the division, be submitted to the division. (*Division of Family and Children; 470 IAC 3.1-15-9; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1353; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2272; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3.1-15-10 Status of a child during proceedings

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 10. (a) During the pendency of any proceedings involving complaints initiated under this rule, unless the service provider and the parent of a child otherwise agree, the child must continue to receive the appropriate early intervention services currently being provided.

(b) If the complaint involves an application for initial services, the child must receive those services that are not in dispute. (*Division of Family and Children; 470 IAC 3.1-15-10; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1353; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2272; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 16. Waiver

470 IAC 3.1-16-1 Waiver process

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) When, under an unusual circumstance, an LPCC or a participating agency requests a waiver of this article, a written request must be submitted to the division which includes the following:

(1) The specific rule or provision for which a waiver is requested.

(2) The length of time for which a waiver is requested.

(3) Justification for the waiver request, including:

(A) the need;

(B) the circumstances; and

(C) the benefit;

to the applicable county or to the children or families served.

(4) The projected fiscal or program implications.

(5) A plan for achieving compliance with the specified rule.

(b) The division shall review the request and issue a written determination within fifteen (15) days of the receipt of the request.

(c) Any waiver request will be approved for a period not to exceed one (1) year and may be renewed only if approved following a resubmission of the request.

(d) A waiver request shall not be approved if the request:

(1) would result in noncompliance with federal or state statutes or regulations; or

(2) jeopardizes any procedural safeguards or rights of confidentiality.

(*Division of Family and Children; 470 IAC 3.1-16-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1353; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

ARTICLE 4. CRIPPLED CHILDREN'S SERVICES

Rule 1. General Provisions

470 IAC 4-1-1 Appeals; procedure (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Feb 11, 1988, 2:42 pm: 11 IR 2618)*

470 IAC 4-1-2 Regular access authority to division of services for crippled children personal information system (Transferred)

Sec. 2. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-1-2) to Indiana State Board of Health (410 IAC 3.1-1-1) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)*

Rule 2. Placement of Crippled Children

470 IAC 4-2-1 State plan for crippled children's service (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Feb 11, 1988, 2:42 pm: 11 IR 2618)*

470 IAC 4-2-2 Crippled children's program; legal base; responsibility of county departments; state and federal funds (Transferred)

Sec. 2. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-2-2) to Indiana State Board of Health (410 IAC 3.1-2-1) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)*

470 IAC 4-2-3 Child eligible for services for crippled children; definition; exceptions (Transferred)

Sec. 3. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-2-3) to Indiana State Board of Health (410 IAC 3.1-2-2) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)*

470 IAC 4-2-4 Purposes of crippled children's services; administration; supervision; medical director (Transferred)

Sec. 4. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-2-4) to Indiana State Board of Health (410 IAC 3.1-2-3) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)*

470 IAC 4-2-5 The application process (Transferred)

Sec. 5. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-2-5) to Indiana State Board of Health (410 IAC 3.1-2-4) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)*

470 IAC 4-2-6 Right to apply (Transferred)

Sec. 6. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-2-6) to Indiana State Board of Health (410 IAC 3.1-2-5) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)*

470 IAC 4-2-7 Initial interview; information provided to and obtained from applicant (Transferred)

Sec. 7. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-2-7) to Indiana State Board of Health (410 IAC 3.1-2-6) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)*

470 IAC 4-2-8 Application; notification of changes; registration and assignment (Transferred)

Sec. 8. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-2-8) to Indiana State Board of Health (410*

IAC 3.1-2-7) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-9 Eligibility study (Transferred)

Sec. 9. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-9) to Indiana State Board of Health (410 IAC 3.1-2-8) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-10 Verification of age; delay in county action (Transferred)

Sec. 10. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-10) to Indiana State Board of Health (410 IAC 3.1-2-9) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-11 Residence and verification of residence (Transferred)

Sec. 11. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-11) to Indiana State Board of Health (410 IAC 3.1-2-10) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-12 Medical information (Transferred)

Sec. 12. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-12) to Indiana State Board of Health (410 IAC 3.1-2-11) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-13 County action on application (Transferred)

Sec. 13. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-13) to Indiana State Board of Health (410 IAC 3.1-2-12) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-14 State action on application (Transferred)

Sec. 14. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-14) to Indiana State Board of Health (410 IAC 3.1-2-13) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-15 Continuing eligibility; specialized medical supervision; reevaluation; changes; supplemental application; closure (Transferred)

Sec. 15. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-15) to Indiana State Board of Health (410 IAC 3.1-2-14) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-16 Re-application (Transferred)

Sec. 16. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-16) to Indiana State Board of Health (410 IAC 3.1-2-15) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-17 Transfer procedure for referrals from another Indiana county (Transferred)

Sec. 17. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-17) to Indiana State Board of Health (410 IAC 3.1-2-16) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-18 Right of appeal (Transferred)

Sec. 18. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-18) to Indiana State Board of Health (410 IAC 3.1-2-17) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-19 Confidentiality (Transferred)

Sec. 19. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-19) to Indiana State Board of Health (410 IAC 3.1-2-18) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-20 Indiana University Medical Center or Indianapolis Methodist Hospital (Transferred)

Sec. 20. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-20) to Indiana State Board of Health (410 IAC 3.1-2-19) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-21 Forms used for authorizing payment of services (Transferred)

Sec. 21. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-21) to Indiana State Board of Health (410 IAC 3.1-2-20) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-22 County obligation; effective date for payment of services; individual record; auditing claim; form; payment of fees and charges (Transferred)

Sec. 22. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-22) to Indiana State Board of Health (410 IAC 3.1-2-21) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-23 Financial eligibility (Transferred)

Sec. 23. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-23) to Indiana State Board of Health (410 IAC 3.1-2-22) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-24 Resources available for payment (Transferred)

Sec. 24. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-24) to Indiana State Board of Health (410 IAC 3.1-2-23) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-25 Guide for computation of monthly net income as standard of eligibility (Transferred)

Sec. 25. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-25) to Indiana State Board of Health (410 IAC 3.1-2-24) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-26 Exclusions from income (Transferred)

Sec. 26. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-26) to Indiana State Board of Health (410 IAC 3.1-2-25) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-27 Partial payment agreements (Transferred)

Sec. 27. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-27) to Indiana State Board of Health (410 IAC 3.1-2-26) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-28 Medical eligibility (Transferred)

Sec. 28. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-28) to Indiana State Board of Health (410 IAC 3.1-2-27) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-29 Examples of condition that would or would not be within scope of services provided (Repealed)

Sec. 29. (Repealed by Division of Family and Children; filed Feb 11, 1988, 2:42 pm: 11 IR 2618)

470 IAC 4-2-30 Diagnostic services (Transferred)

Sec. 30. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-30) to Indiana State Board of Health (410 IAC 3.1-2-28) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-31 Authorized diagnostic and treatment services (Transferred)

Sec. 31. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-31) to Indiana State Board of Health (410 IAC 3.1-2-29) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-32 Congenital heart (Repealed)

Sec. 32. (Repealed by Division of Family and Children; filed Feb 11, 1988, 2:42 pm: 11 IR 2619)

470 IAC 4-2-33 Residential speech and hearing clinic at Indiana University, Bloomington (Repealed)

Sec. 33. (Repealed by Division of Family and Children; filed Feb 11, 1988, 2:42 pm: 11 IR 2619)

470 IAC 4-2-34 Federal funds for regional treatment centers; area child amputee center (Repealed)

Sec. 34. (Repealed by Division of Family and Children; filed Feb 11, 1988, 2:42 pm: 11 IR 2619)

470 IAC 4-2-35 Medical care in local community (Transferred)

Sec. 35. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-35) to Indiana State Board of Health (410 IAC 3.1-2-30) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-36 Prescriptions (Transferred)

Sec. 36. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-36) to Indiana State Board of Health (410 IAC 3.1-2-31) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-37 Dental program (Transferred)

Sec. 37. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-37) to Indiana State Board of Health (410 IAC 3.1-2-32) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-38 Special appliances and equipment; equipment loan pool program (Transferred)

Sec. 38. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-38) to Indiana State Board of Health (410 IAC 3.1-2-33) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-39 Audio and speech therapy (Transferred)

Sec. 39. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-39) to Indiana State Board of Health (410 IAC 3.1-2-34) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-40 Physical and occupational therapy (Transferred)

Sec. 40. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-40) to Indiana State Board of Health (410 IAC 3.1-2-35) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-41 Transportation, meals, lodging allowances (Transferred)

Sec. 41. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-41) to Indiana State Board of Health (410 IAC 3.1-2-36) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-42 Nursing or boarding home center (Repealed)

Sec. 42. (Repealed by Division of Family and Children; filed Feb 11, 1988, 2:42 pm: 11 IR 2619)

470 IAC 4-2-43 Nurse consultant (RNC) (Transferred)

Sec. 43. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-43) to Indiana State Board of Health (410 IAC 3.1-2-37) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-44 Medical social work consultant services (Transferred)

Sec. 44. (NOTE: Transferred from Division of Family and Children (470 IAC 4-2-44) to Indiana State Board of Health (410 IAC 3.1-2-38) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)

470 IAC 4-2-45 Index card; DPW form 3 (Repealed)

Sec. 45. (Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)

470 IAC 4-2-46 Crippled children's desk card; DPW form 74-CR (Repealed)

Sec. 46. (Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)

470 IAC 4-2-47 Report of services furnished; DPW forms 174, 175, 175A (Repealed)

Sec. 47. (Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)

470 IAC 4-2-48 Authorization for transportation; DPW form 515 (Repealed)

Sec. 48. (Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)

470 IAC 4-2-49 Social summary; SDPW form 516 (Repealed)

Sec. 49. (Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)

470 IAC 4-2-50 County credentials cover letter; DPW form 521-CR (Repealed)

Sec. 50. (Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)

470 IAC 4-2-51 Notice of approval for state payment; SDPW form 526 (Repealed)

Sec. 51. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-52 Request for clinic appointments; DPW form 540-CR (Repealed)

Sec. 52. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-53 Budget for services for crippled children; DPW form 553-CR (Repealed)

Sec. 53. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-54 Written agreement of parent, guardian or custodian to make partial repayment of cost of care; DPW form 557-CR (Repealed)

Sec. 54. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-55 Application and action; services for crippled children; DPW form 576-CR (Repealed)

Sec. 55. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-56 Authorization for payment of medical examination of person named in application for services; DPW form 577-CR (Repealed)

Sec. 56. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-57 Physician's report to medical director and treatment center; DPW form 578-CR (Repealed)

Sec. 57. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-58 Notice of discharge from services for crippled children; SDPW form 580-CR (Repealed)

Sec. 58. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-59 Crippled children memorandum of prescribed services; SDPW form 582 (Repealed)

Sec. 59. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-60 Education of handicapped child; application for dormitory care; DPW form 586 (Repealed)

Sec. 60. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-61 Request for recommendation for payment of services; DPW form 590 (Repealed)

Sec. 61. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-62 Register of applications and requests for services for crippled children; DPW form 621 (Repealed)

Sec. 62. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-63 Food stamp budget; form FS 1 B (Repealed)

Sec. 63. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-64 Diagnostic report; SDPW form 584 (Repealed)

Sec. 64. *(Repealed by Division of Family and Children; filed Feb 21, 1983, 1:57 pm: 6 IR 730)*

470 IAC 4-2-65 Eligibility status of patients with a diagnosis of cystic fibrosis (Transferred)

Sec. 65. *(NOTE: Transferred from Division of Family and Children (470 IAC 4-2-65) to Indiana State Board of Health (410 IAC 3.1-2-39) by P.L.344-1989(ss), SECTION 29, effective July 1, 1990.)*

ARTICLE 5. MEDICAID PROVIDERS AND SERVICES

Rule 1. General Provisions

470 IAC 5-1-1 Definitions (Transferred)

Sec. 1. *(Transferred from the Division of Family and Children (470 IAC 5-1-1) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-1) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-1-2 Choice of provider and use of Medicaid card (Transferred)

Sec. 2. *(Transferred from the Division of Family and Children (470 IAC 5-1-2) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-2) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-1-3 Filing of claims; filing date; waiver of limit; claim auditing; payment liability; third party payments (Transferred)

Sec. 3. *(Transferred from the Division of Family and Children (470 IAC 5-1-3) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-3) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-1-3.5 Denial of claim payment; basis; discretion of administrator (Transferred)

Sec. 3.5. *(Transferred from the Division of Family and Children (470 IAC 5-1-3.5) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-4) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-1-3.6 Overpayments made to providers; recovery (Transferred)

Sec. 3.6. *(Transferred from the Division of Family and Children (470 IAC 5-1-3.6) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-5) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-1-4 Provider appeals; procedure (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987)*

470 IAC 5-1-4.5 Sanctions against providers; determination after investigation (Transferred)

Sec. 4.5. *(Transferred from the Division of Family and Children (470 IAC 5-1-4.5) to the Office of the Secretary of Family*

and Social Services (405 IAC 1-1-6) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-5 Nursing home rate setting; governing provisions (Transferred)

Sec. 5. (Transferred from the Division of Family and Children (470 IAC 5-1-5) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-7) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-6 Level of care criteria for long-term care facilities; governing provisions (Transferred)

Sec. 6. (Transferred from the Division of Family and Children (470 IAC 5-1-6) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-8) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-7 Nursing home admission; governing provisions (Transferred)

Sec. 7. (Transferred from the Division of Family and Children (470 IAC 5-1-7) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-9) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-8 Intermediate care for the mentally retarded; governing provisions (Transferred)

Sec. 8. (Transferred from the Division of Family and Children (470 IAC 5-1-8) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-10) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-9 Intermediate care for the mentally retarded; eligibility (Transferred)

Sec. 9. (Transferred from the Division of Family and Children (470 IAC 5-1-9) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-11) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-10 Regular access authority to medicaid division personal information system (Transferred)

Sec. 10. (Transferred from the Division of Family and Children (470 IAC 5-1-10) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-12) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-11 Subrogation of claims (Transferred)

Sec. 11. (Transferred from the Division of Family and Children (470 IAC 5-1-11) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-13) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-12 Severability; governing provisions; effect of provision inconsistent or invalid with federal law (Transferred)

Sec. 12. (Transferred from the Division of Family and Children (470 IAC 5-1-12) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-14) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-13 Third party liability; definitions (Transferred)

Sec. 13. (Transferred from the Division of Family and Children (470 IAC 5-1-13) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-15) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-1-14 Insurance information; release (Transferred)

Sec. 14. *(Transferred from the Division of Family and Children (470 IAC 5-1-14) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-16) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-1-15 Nursing home prescreening (Repealed)

Sec. 15. *(Repealed by Division of Family and Children; filed Mar 29, 1985, 10:07 am: 8 IR 992)*

Rule 2. Medicaid Bulletin No. 3 (Repealed)

(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)

Rule 2.1. Inspection of Care in Long Term Care Facilities (Transferred)

NOTE: Transferred from the Division of Family and Children (470 IAC 5-2.1) to the Office of the Secretary of Family and Social Services (405 IAC 1-2) by P.L.9-1991, SECTION 131, effective January 1, 1992.

Rule 3. Criteria for Level of Care in Long-Term Care Facilities

470 IAC 5-3-1 Considerations in determining need for nursing home care; professional services required; patient's condition; alternate services available (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

470 IAC 5-3-2 Skilled nursing services; unskilled services (Transferred)

Sec. 2. *(Transferred from the Division of Family and Children (470 IAC 5-3-2) to the Office of the Secretary of Family and Social Services (405 IAC 1-3-1) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-3-3 Intermediate level of care criteria (Transferred)

Sec. 3. *(Transferred from the Division of Family and Children (470 IAC 5-3-3) to the Office of the Secretary of Family and Social Services (405 IAC 1-3-2) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-3-4 Examples illustrating criteria for level of care; differentiation between skilled and intermediate care (Transferred)

Sec. 4. *(Transferred from the Division of Family and Children (470 IAC 5-3-4) to the Office of the Secretary of Family and Social Services (405 IAC 1-3-3) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-3-5 Form for use in medical review in skilled and intermediate care facilities (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

470 IAC 5-3-6 Sample of notice to nursing home of findings of independent professional review (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

470 IAC 5-3-7 Sample of notice to nursing home of change of patient's level of care; newly designated level (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

470 IAC 5-3-8 Sample of notice to nursing home of decision on re-review (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

470 IAC 5-3-9 Payment for Medicaid recipient in nursing home; request for deviation in level of care; SDPW form 1702 (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

470 IAC 5-3-10 Statement of need to continue Medicaid recipient in nursing home care; SDPW form 1702A (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

Rule 4. Rate-setting Criteria for Nursing Homes (Repealed)

(Repealed by Division of Family and Children; filed Feb 24, 1983, 1:19 pm: 6 IR 749, eff Apr 1, 1983)

Rule 4.1. Rate Setting Criteria for Intermediate Care and Skilled Nursing Facilities, Intermediate Care Facilities for the Mentally Retarded, and Community Residential Facilities for the Developmentally Disabled

470 IAC 5-4.1-1 Policy; scope (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-2 Definitions (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-3 Accounting records; retention schedule; audit trail; accrual basis; segregation of accounts by nature of business and by location (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-4 Financial report to department; annual schedule; prescribed form; extensions; penalty for untimely filing (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-5 New provider; initial financial report to department; criteria for establishing initial interim rates; supplemental report; base rate setting (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-6 Active providers; rate review; annual request; additional requests; requests due to change in law; request concerning capital return factor; computation of factor (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-7 Request for rate review; budget component; occupancy level assumptions; effect of inflation assumptions (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-8 Effect of long or short year on rate review; notification of department action (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Jul 8, 1988, 1:30 pm: 11 IR 3817)*

470 IAC 5-4.1-8.1 Miscellaneous exclusions, limitations or qualifications to Medicaid reimbursement; advertising, vehicle basis (Repealed)

Sec. 8.1. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-9 Request for rate review; one time review; criteria limiting rate adjustment granted by department (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-10 Computation of rate; allowable costs; review of cost reasonableness (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-11 Allowable costs; services provided by parties related to provider (Repealed)

Sec. 11. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-12 Allowable costs; capital return factor; one time request for inclusion in base rate (Repealed)

Sec. 12. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-13 Allowable cost; capital return factor; computation of use fee component; interest; allocation of loan to facilities and parties (Repealed)

Sec. 13. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-14 Allowable costs; capital return factor; computation of return on equity component (Repealed)

Sec. 14. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-15 Allowable costs; capital return factor; use fee; depreciable life; property basis (Repealed)

Sec. 15. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-16 Capital return factor; basis; historical cost; mandatory record keeping; valuation (Repealed)

Sec. 16. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-17 Capital return factor; basis; sale or capital lease of facility; valuation; sale or lease among family members (Repealed)

Sec. 17. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-18 Unallowable costs; cost adjustments; charity and courtesy allowances; discounts; rebates; refunds of expenses (Repealed)

Sec. 18. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-19 Allowable costs; wages; costs of employment; record keeping; owner related party compensation (Repealed)

Sec. 19. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-20 Allowable costs; calculation of allowable owner/related party compensation; wages; salaries; fees; fringe benefits (Repealed)

Sec. 20. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-21 Intermediate care and skilled nursing facilities; staffing costs; incentive for cost efficiency (Repealed)

Sec. 21. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-22 Intermediate care and skilled nursing facilities; medical supply and equipment charges (Repealed)

Sec. 22. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-23 Intermediate care and skilled nursing facilities; reimbursement for therapy services (Repealed)

Sec. 23. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-24 Intermediate care and skilled nursing facilities; allocation of intermediate and skilled care costs (Repealed)

Sec. 24. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-25 Intermediate care facilities for the mentally retarded; allowable costs; compensation; per diem rate; incentive payment rate (Repealed)

Sec. 25. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-26 Community residential facilities for the developmentally disabled; allowable costs; compensation; per diem rate; incentive payment rate (Repealed)

Sec. 26. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-27 Administrative reconsideration; appeal (Repealed)

Sec. 27. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-28 Skilled nursing facilities; separate reimbursement for ventilator units in nursing homes (Repealed)

Sec. 28. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-29 Reserved (Repealed)

Sec. 29. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-30 Skilled nursing facilities; separate reimbursement for brain and high spinal cord trauma and major progressive neuromuscular disorders (Repealed)

Sec. 30. *(Repealed by Division of Family and Children; filed Feb 27, 1991, 4:00 p.m.: 14 IR 1436)*

470 IAC 5-4.1-31 Skilled nursing facilities; separate reimbursement for “chronically medically dependent” people infected by the human immunodeficiency virus (HIV) (Transferred)

Sec. 31. *(Transferred from the Division of Family and Children (470 IAC 5-4.1-31) to the Office of the Secretary of Family and Social Services (405 IAC 1-4-31) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

Rule 4.2. Rate Setting Criteria for Nursing Facilities, Intermediate Care Facilities for the Mentally Retarded, and Community Residential Facilities for the Developmentally Disabled (Transferred)

NOTE: Transferred from the Division of Family and Children (470 IAC 5-4.2) to the Office of the Secretary of Family and Social Services (405 IAC 1-4) by P.L.9-1991, SECTION 131, effective January 1, 1992.

Rule 5. Provider Records (Transferred)

NOTE: Transferred from the Division of Family and Children (470 IAC 5-5) to the Office of the Secretary of Family and Social Services (405 IAC 1-5) by P.L.9-1991, SECTION 131, effective January 1, 1992.

Rule 6. Prior Review and Authorization, Limitations on Payment, Duration and Scope of Service (Repealed)

(Repealed by Division of Family and Children; filed Oct 30, 1984, 12:56 pm: 8 IR 209, eff Jan 1, 1985)

Rule 7. Medicaid Covered Services and Limitations (Repealed)

(Repealed by Division of Family and Children; filed Jul 17, 1985, 9:21 am: 8 IR 2023, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-23 was filed Jul 17, 1985.]

Rule 8. Medicaid Covered Services and Limitations

470 IAC 5-8-1 General provisions (Transferred)

Sec. 1. *(Transferred from the Division of Family and Children (470 IAC 5-8-1) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-1) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-2 Definitions (Transferred)

Sec. 2. *(Transferred from the Division of Family and Children (470 IAC 5-8-2) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-2) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-3 Prior authorization (Transferred)

Sec. 3. *(Transferred from the Division of Family and Children (470 IAC 5-8-3) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-3) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-4 Enrollment of providers (Transferred)

Sec. 4. *(Transferred from the Division of Family and Children (470 IAC 5-8-4) to the Office of the Secretary of Family and*

Social Services (405 IAC 1-6-4) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-5 EPSDT services (Transferred)

Sec. 5. (Transferred from the Division of Family and Children (470 IAC 5-8-5) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-5) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-6 Chiropractic services (Transferred)

Sec. 6. (Transferred from the Division of Family and Children (470 IAC 5-8-6) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-6) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-7 Community residential facilities for the developmentally disabled (CRF/DD) services and intermediate care facilities for the mentally retarded (ICF/MR) services (privately owned/operated) (Transferred)

Sec. 7. (Transferred from the Division of Family and Children (470 IAC 5-8-7) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-7) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-8 Dental services (Transferred)

Sec. 8. (Transferred from the Division of Family and Children (470 IAC 5-8-8) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-8) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-9 Hospital services (Transferred)

Sec. 9. (Transferred from the Division of Family and Children (470 IAC 5-8-9) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-9) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-10 Intermediate care facility for the mentally retarded (ICF/MR) services (government owned/operated) (Transferred)

Sec. 10. (Transferred from the Division of Family and Children (470 IAC 5-8-10) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-10) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-11 Home health agency, clinic and laboratory services (Transferred)

Sec. 11. (Transferred from the Division of Family and Children (470 IAC 5-8-11) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-11) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-12 Medical supplies and equipment, hearing aids, and prosthetic devices (Transferred)

Sec. 12. (Transferred from the Division of Family and Children (470 IAC 5-8-12) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-12) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-13 Mental health services (Transferred)

Sec. 13. (Transferred from the Division of Family and Children (470 IAC 5-8-13) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-13) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-8-14 Optometrist and optician services (Transferred)

Sec. 14. *(Transferred from the Division of Family and Children (470 IAC 5-8-14) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-14) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-15 Physician services (Transferred)

Sec. 15. *(Transferred from the Division of Family and Children (470 IAC 5-8-15) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-15) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-16 Podiatric services (Transferred)

Sec. 16. *(Transferred from the Division of Family and Children (470 IAC 5-8-16) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-16) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-17 Transportation services (Repealed)

Sec. 17. *(Repealed by Division of Family and Children; filed Sep 21, 1990, 3:00 p.m.: 14 IR 281)*

470 IAC 5-8-17.1 Transportation services (Transferred)

Sec. 17.1. *(Transferred from the Division of Family and Children (470 IAC 5-8-17.1) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-17) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-17.2 Transportation services; provider agreement requirements (Transferred)

Sec. 17.2. *(Transferred from the Division of Family and Children (470 IAC 5-8-17.2) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-18) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-18 Skilled nursing and intermediate care facility services (Transferred)

Sec. 18. *(Transferred from the Division of Family and Children (470 IAC 5-8-18) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-19) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-19 Nursing and therapy services (Transferred)

Sec. 19. *(Transferred from the Division of Family and Children (470 IAC 5-8-19) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-20) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-20 Pharmacy services (Transferred)

Sec. 20. *(Transferred from the Division of Family and Children (470 IAC 5-8-20) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-21) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-20.1 Reimbursement to pharmacy providers for nonlegend drugs (Transferred)

Sec. 20.1. *(Transferred from the Division of Family and Children (470 IAC 5-8-20.1) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-22) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-21 Prepaid healthcare delivery plan services (Repealed)

Sec. 21. *(Repealed by Division of Family and Children; filed Mar 14, 1986, 4:35 pm: 9 IR 1965)*

470 IAC 5-8-22 Appeals (Transferred)

Sec. 22. *(Transferred from the Division of Family and Children (470 IAC 5-8-22) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-23) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-8-23 Homemaker, respite care, and case management services (Transferred)

Sec. 23. *(Transferred from the Division of Family and Children (470 IAC 5-8-23) to the Office of the Secretary of Family and Social Services (405 IAC 1-6-24) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

Rule 9. Medicaid Medical Policy

470 IAC 5-9-1 Global fee billing (Transferred)

Sec. 1. *(Transferred from the Division of Family and Children (470 IAC 5-9-1) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-1) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-2 Codes and descriptions (Transferred)

Sec. 2. *(Transferred from the Division of Family and Children (470 IAC 5-9-2) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-2) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-3 Services requiring prior authorization (Transferred)

Sec. 3. *(Transferred from the Division of Family and Children (470 IAC 5-9-3) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-3) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-4 Out-of-state medical services (Transferred)

Sec. 4. *(Transferred from the Division of Family and Children (470 IAC 5-9-4) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-4) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-5 Restricted utilization cards (Transferred)

Sec. 5. *(Transferred from the Division of Family and Children (470 IAC 5-9-5) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-5) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-6 Administrative review (Transferred)

Sec. 6. *(Transferred from the Division of Family and Children (470 IAC 5-9-6) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-6) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-7 Medical records; contents and retention (Transferred)

Sec. 7. *(Transferred from the Division of Family and Children (470 IAC 5-9-7) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-7) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-8 Consultations (Transferred)

Sec. 8. *(Transferred from the Division of Family and Children (470 IAC 5-9-8) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-8) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-9 Second opinions (Transferred)

Sec. 9. *(Transferred from the Division of Family and Children (470 IAC 5-9-9) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-9) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-10 Office visits (Transferred)

Sec. 10. *(Transferred from the Division of Family and Children (470 IAC 5-9-10) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-10) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-11 Office visits exceeding established parameters (Transferred)

Sec. 11. *(Transferred from the Division of Family and Children (470 IAC 5-9-11) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-11) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-12 Medical services (Transferred)

Sec. 12. *(Transferred from the Division of Family and Children (470 IAC 5-9-12) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-12) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-13 Podiatric services (Transferred)

Sec. 13. *(Transferred from the Division of Family and Children (470 IAC 5-9-13) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-13) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-14 Surgical services (Transferred)

Sec. 14. *(Transferred from the Division of Family and Children (470 IAC 5-9-14) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-14) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-15 Hospital services (Transferred)

Sec. 15. *(Transferred from the Division of Family and Children (470 IAC 5-9-15) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-15) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-16 Long term care; skilled nursing services (Repealed)

Sec. 16. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

470 IAC 5-9-17 Long term care; intermediate nursing services (Repealed)

Sec. 17. *(Repealed by Division of Family and Children; filed Mar 15, 1988, 1:59 pm: 11 IR 2856)*

470 IAC 5-9-18 Intermediate care facilities for the mentally retarded (Transferred)

Sec. 18. *(Transferred from the Division of Family and Children (470 IAC 5-9-18) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-16) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-19 Medical services rendered outside the government-owned ICF/MR (Transferred)

Sec. 19. *(Transferred from the Division of Family and Children (470 IAC 5-9-19) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-17) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-20 Community residential facility for developmentally disabled (Transferred)

Sec. 20. *(Transferred from the Division of Family and Children (470 IAC 5-9-20) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-18) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-21 Radiology services (Transferred)

Sec. 21. *(Transferred from the Division of Family and Children (470 IAC 5-9-21) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-19) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-22 Mental health services (Transferred)

Sec. 22. *(Transferred from the Division of Family and Children (470 IAC 5-9-22) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-20) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-23 Inpatient therapy services (Transferred)

Sec. 23. *(Transferred from the Division of Family and Children (470 IAC 5-9-23) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-21) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-24 Outpatient therapy services (Transferred)

Sec. 24. *(Transferred from the Division of Family and Children (470 IAC 5-9-24) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-22) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-25 Allied health services (Transferred)

Sec. 25. *(Transferred from the Division of Family and Children (470 IAC 5-9-25) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-23) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-25.1 Case management services for pregnant women (Transferred)

Sec. 25.1. *(Transferred from the Division of Family and Children (470 IAC 5-9-25.1) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-24) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-26 Laboratory services (Transferred)

Sec. 26. *(Transferred from the Division of Family and Children (470 IAC 5-9-26) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-25) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-27 Anesthesia services (Transferred)

Sec. 27. *(Transferred from the Division of Family and Children (470 IAC 5-9-27) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-26) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-28 Medical supplies; durable medical equipment; prosthetic devices (Transferred)

Sec. 28. *(Transferred from the Division of Family and Children (470 IAC 5-9-28) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-27) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-29 Transportation services (Repealed)

Sec. 29. *(Repealed by Division of Family and Children; filed Sep 21, 1990, 3:00 p.m.: 14 IR 281)*

470 IAC 5-9-30 Dental services (Transferred)

Sec. 30. *(Transferred from the Division of Family and Children (470 IAC 5-9-30) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-28) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-31 Pharmacy services (Transferred)

Sec. 31. *(Transferred from the Division of Family and Children (470 IAC 5-9-31) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-29) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-32 EPSDT periodicity and screening schedule (Transferred)

Sec. 32. *(Transferred from the Division of Family and Children (470 IAC 5-9-32) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-30) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-33 Periodicity schedule for recipients age 21 years and older (Transferred)

Sec. 33. *(Transferred from the Division of Family and Children (470 IAC 5-9-33) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-31) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-34 Coronary care unit (Transferred)

Sec. 34. *(Transferred from the Division of Family and Children (470 IAC 5-9-34) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-32) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-35 Medical and surgical intensive care unit (Transferred)

Sec. 35. *(Transferred from the Division of Family and Children (470 IAC 5-9-35) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-33) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-36 Progressive care unit (post ICU/CCU or onset within 24 hours) (Transferred)

Sec. 36. *(Transferred from the Division of Family and Children (470 IAC 5-9-36) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-34) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-37 Rehabilitation unit (Transferred)

Sec. 37. *(Transferred from the Division of Family and Children (470 IAC 5-9-37) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-35) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 5-9-38 Acute care hospital admission (Transferred)

Sec. 38. (Transferred from the Division of Family and Children (470 IAC 5-9-38) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-36) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

470 IAC 5-9-39 Outpatient ambulatory surgical services (Transferred)

Sec. 39. (Transferred from the Division of Family and Children (470 IAC 5-9-39) to the Office of the Secretary of Family and Social Services (405 IAC 1-7-37) by P.L.9-1991, SECTION 131, effective January 1, 1992.)

Rule 10. (Reserved)

Rule 11. Hospital Reimbursement for Outpatient Services (Transferred)

NOTE: Transferred from the Division of Family and Children (470 IAC 5-11) to the Office of the Secretary of Family and Social Services (405 IAC 1-8) by P.L.9-1991, SECTION 131, effective January 1, 1992.

ARTICLE 6. FOOD STAMP PROGRAM

Rule 0.5. Definitions

470 IAC 6-0.5-1 Food stamp terms defined

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-1-1; IC 12-13-7; IC 12-13-14; IC 12-19-1-2

Sec. 1. The following definitions apply throughout this article:

- (1) "Certification period" means the period of time, in calendar months, for which a household is determined eligible for food stamps, including months during which the household's participation is suspended or prorated to zero (0).
- (2) "Contractor" means the person, firm, corporation, or other entity that has a contract with the division, pursuant to IC 4-13.4-7-8 [IC 4-13.4 was repealed by P.L.49-1997, SECTION 86, effective July 1, 1998.], to implement and operate an electronic benefits transfer (EBT) program.
- (3) "County director" means the director of the county office appointed pursuant to IC 12-19-1-2.
- (4) "County office" means the county office of family and children of the county where the recipient household resides.
- (5) "Division" means the division of family and children established by IC 12-13-1-1.
- (6) "EBT card" means a magnetic-stripe plastic card issued to a recipient which enables the recipient to purchase food items from a retailer through a point of sale (POS) terminal operated by the retailer and connected to a central computer maintained by the contractor for distribution of food stamp benefits to recipients.
- (7) "Nonassistance (NA) household" means all households other than public assistance (PA) households.
- (8) "Notification date" means the date on which a household is notified of any additional activity required of them or of changes in their eligibility or benefit level. This date may be established by the personal delivery to the household of a written notice or by the mailing date of a written notice.
- (9) "Prospective budgeting" means the computation of a household's food stamp allotment for an issuance month based on a reasonable anticipation of income and circumstances that will exist in the issuance month(s).
- (10) "Public assistance (PA) household" means a household in which all members have applied for or received cash assistance, including households not receiving cash benefits because the grant is less than ten dollars (\$10) or recoupment is occurring.
- (11) "Recertification" means a certification pursuant to an application filed in a month where the household is currently certified or where the household was certified for the month prior to the month of application.
- (12) "Recipient" means a household that the division has determined, pursuant to 7 CFR 273, is eligible to receive food stamp benefits in a certification period.
- (13) "Retailer" means a store that sells food items to consumers and that has been authorized by the federal Food and Consumer Service pursuant to 7 CFR 278 to participate in the food stamp program.
- (14) "Suspension" means the interruption of the participation of a certified household which is categorically eligible but not

eligible for a food stamp allotment.

(Division of Family and Children; 470 IAC 6-0.5-1; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1502; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2662; errata, 10 IR 2741, filed Jun 1, 1989, 10:00 a.m.: 12 IR 1854; filed Oct 6, 1997, 5:25 p.m.: 21 IR 372; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 1. Personal Information System

470 IAC 6-1-1 Regular access authority to public welfare public assistance division personal information system

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6-2; IC 12-13-7-6

Sec. 1. Regular Access Authority to the Indiana State Department of Public Welfare Public Assistance Division Personal Information System. Individuals have regular access authority to the information contained in the personal information systems established by the Public Assistance Division of the Indiana state department of public welfare, subject to the confidentiality requirements in 7 CFR §272.1(c). *(Division of Family and Children; Title 6, Ch 1, Reg 6-101; filed Nov 14, 1977, 9:01 am: Rules and Regs. 1978, p. 757; filed Jul 16, 1987, 2:00 pm: 10 IR 2663; errata, 10 IR 2741; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 2. Household Reporting and Budgeting

470 IAC 6-2-1 Household reporting requirements

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. A food stamp household is required to report changes as stated in 7 C.F.R. 273.12(a). *(Division of Family and Children; 470 IAC 6-2-1; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1503; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2663; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1855; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 6-2-2 Deadlines for filing monthly reports (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-3 Additional information or verification; filing deadlines (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-4 Continuation of benefits pursuant to fair hearing request (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-5 Processing of timely and complete monthly reports (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-6 Processing of late or incomplete monthly reports (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-7 Notice of benefit level calculations (Repealed)

Sec. 7. (Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)

470 IAC 6-2-8 Continuation or reinstatement of benefits; time limit for instituting (Repealed)

Sec. 8. (Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)

470 IAC 6-2-9 Recertification (Repealed)

Sec. 9. (Repealed by Division of Family and Children; filed May 17, 1993, 5:00 p.m.: 16 IR 2405)

470 IAC 6-2-10 Penalty for failure to file complete and timely monthly reports (Repealed)

Sec. 10. (Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)

470 IAC 6-2-11 Budgeting for calculation of allotments

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 11. (a) All allotments shall be calculated by prospective budgeting.

(b) In calculating by prospective budgeting, income received weekly or biweekly shall be converted to a monthly amount. (Division of Family and Children; 470 IAC 6-2-11; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1506; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2665; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 6-2-12 Suspension of benefits in lieu of termination

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 12. The agency shall utilize suspension in lieu of termination whenever a household is categorically eligible but not eligible for a food stamp allotment. (Division of Family and Children; 470 IAC 6-2-12; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1506; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2665; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 6-2-13 Certification periods

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 13. (a) The agency shall establish a certification period for a PA household such that the aid to families with dependent children (AFDC) restudy and food stamp recertification may be accomplished at the same time, provided no loss of, or delay in receipt of, food stamp benefits occurs.

(b) The agency shall establish a certification period tailored to the income calculation for any NA household for which self-employment income is annualized, contractual income is annualized, or educational income is prorated over the period the educational income is intended to cover.

(c) The agency shall establish a certification period of six (6) months when an individual and his or her minor children and spouse live with the individual's parent or sibling.

(d) If an NA household falls subject to the criteria in subsections (b) through (c), the agency shall establish a certification period of six (6) months.

(e) If a household does not fall subject to any of the criteria described in subsections (a) through (c), the agency shall establish the longest certification period possible (up to one (1) year) based on the predictability of the household's circumstances.

(f) When one (1) household moves into another household, residing at the same address, the agency shall shorten the certification period of the household with the longest certification in order to align the certification periods. (Division of Family and Children; 470 IAC 6-2-13; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1506; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2665; filed Jun 1, 1989,

10:00 a.m.: 12 IR 1856; filed May 17, 1993, 5:00 p.m.: 16 IR 2402; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 3. Application Processing

470 IAC 6-3-1 Application processing

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. (a) For households subject to thirty (30) day processing, if the household fails to appear for the interview appointment after having filed an application for food stamp benefits, and does not contact the county department on or before the thirtieth day after the date of application to reschedule the interview, the household shall be denied food stamp benefits based on this application.

(b) The household is considered to have failed to appear for the interview appointment if the interviewee arrives more than fifteen (15) minutes after the scheduled time. The county office shall schedule another appointment in this situation.

(c) The state agency shall send the household a notice of pending status on the thirtieth day after the application is filed if verification is lacking.

(d) Households that are certified on an expedited basis and have postponed verifications shall be assigned a normal certification period if circumstances warrant a normal certification.

(e) The state agency shall verify Supplemental Security Income (SSI) benefit payments through the state data exchange (SDX) or the beneficiary data exchange (BENDEX). Only if the verification cannot be obtained through one (1) of these sources shall verification be requested from the household. (*Division of Family and Children; 470 IAC 6-3-1; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2666; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4. Allowable Costs for Utilities (Repealed)

(*Repealed by Division of Family and Children; filed May 17, 1993, 5:00 p.m.: 16 IR 2405*)

Rule 4.1. Benefit Calculation

470 IAC 6-4.1-1 Shelter and medical deductions

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7

Sec. 1. (a) Allowable costs for utilities shall be the actual costs for the following:

- (1) Heating.
- (2) Cooling.
- (3) Cooking fuel.
- (4) Electricity.
- (5) Water.
- (6) Sewer.
- (7) Garbage.
- (8) Trash collection fees.
- (9) Initial installation charges (not deposits).

(b) The state agency shall determine the household's shelter deduction in accordance with 7 CFR 273.9(d)(5)(ii) and the following procedures:

(1) Except as specified in subdivision (4), the state agency shall allow applicant and participating households the option of using the actual cost of utilities or a single standard utility allowance which includes a heating or cooling component if the household incurs an out-of-pocket heating or cooling expense listed in 7 CFR 273.9(d)(6)(ii).

(2) Except as specified in subdivision (4), the state agency shall allow applicant and participating households the option of using the actual cost of utilities or a single standard utility allowance which includes electricity, telephone, water, and sewer if the household is billed for electricity but does not qualify for the standard utility allowance in subdivision (1).

(3) Households which do not qualify for a standard utility allowance in subdivision (1) or (2) shall be entitled to claim a standard telephone allowance if the household incurs a telephone expense for basic service.

(4) Assistance groups that share utility expenses with other assistance groups or nonrecipients living in the same household shall not be allowed the standard utility allowance options specified in subdivisions (1) and (2).

(5) The standard utility allowances and the standard telephone allowance shall be reviewed annually and adjusted to reflect changes in the cost of utilities.

(c) The state agency shall allow twenty-five cents (\$0.25) per mile as a transportation cost to obtain medical treatment or services for individuals who are elderly or disabled as defined in 7 CFR 271.2 when actual costs cannot be verified. (*Division of Family and Children; 470 IAC 6-4.1-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; filed Jul 28, 1994, 4:00 p.m.: 17 IR 2854; filed Aug 1, 1996, 4:00 p.m.: 19 IR 3383; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-4.1-2 Eligibility and benefit levels

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 2. Eligibility and benefit levels shall be determined according to 7 CFR 273.10 with the following exceptions:

(1) To determine the amount of the prorated allotment, the state agency shall use the formula provided at 7 CFR 273.10(a)(iii)(B):

$$\text{The full month's benefit} \times \frac{\# \text{ of days in month} + 1 - \text{date of application}}{\text{number of days in month}} = \text{allotment}$$

(2) In calculating net monthly income, the state agency shall round down each income and allotment calculation that ends in one cent (\$0.01) through forty-nine cents (\$0.49) and round up each calculation that ends in fifty center [*sic., cents*] (\$0.50) through ninety-nine cents (\$0.99).

(3) Households which have three (3) or more members which are entitled to no benefits due to proration in the initial month shall be denied on the grounds that the net income exceeds the level at which benefits are issued.

(*Division of Family and Children; 470 IAC 6-4.1-2; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-4.1-3 Benefit calculation for households with special circumstances

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 3. Benefit calculation for households with special circumstances shall be completed according to 7 CFR 273.11 with the following exceptions:

(1) Households with self-employment income shall have the benefit level determined by using annualized income.

(2) Transportation costs necessary for self-employment shall be allowed at twenty-five cents (\$0.25) per mile when actual costs cannot be verified.

(3) Transportation costs which exceed that amount earmarked by the school and which are related to school attendance shall be allowed at twenty-five cents (\$0.25) per mile when actual costs cannot be verified.

(4) Households which have boarders shall be allowed, as a business cost, the actual documented cost of providing room and meals if the actual cost exceeds the appropriate thrifty food plan.

(*Division of Family and Children; 470 IAC 6-4.1-3; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-4.1-4 Change reporting

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 4. (a) Households must report changes as required in 7 CFR 273.12 with the exception that the state agency shall not pay the postage for the household to mail the change report form provided by the agency.

(b) All changes reported within the certification period necessary to determine eligibility shall be verified prior to

implementing the changes.

(c) All reported changes which result in an increase in benefits shall be reflected the month following the month the change is reported, providing verification is provided timely.

(d) Households which do not cooperate by providing requested verification and/or information of reported changes, necessary to determine eligibility, shall be discontinued with advance notice. (*Division of Family and Children; 470 IAC 6-4.1-4; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-4.1-5 Income considerations

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 5. (a) All funds from residential living allowances (RLA) funded by the semi-independent living program (SLIP) shall be excluded as both income and as resources. Expenses paid from RLA funds shall be treated as vendor payments with no deduction allowed in the budget.

(b) Households which have recurring income received less often than monthly shall have the income prorated over the period for which it is provided. This shall be accomplished by dividing the amount reported on the most recent statement, or the amount projected to be received, by the appropriate number of months.

(c) Funds provided for a third party who is not a household member shall be considered as income for the third party. If any portion of the funds intended for the third party are retained by the household, that amount shall also be considered income for the applicant or recipient household. (*Division of Family and Children; 470 IAC 6-4.1-5; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4.2. Resource Considerations

470 IAC 6-4.2-1 Resource considerations

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. (a) The agency shall presume that all funds in a jointly owned financial institution belong to each owner. Individuals are to be advised of the presumption and given the opportunity to rebut. If the individual rebuts, he must provide proof of ownership. Following a successful rebuttal, funds must be separated and only the funds actually belonging to the applicant or recipient shall be counted as a resource to him.

(b) Proportionate shares of jointly owned real or personal property shall be considered if jointly owned with another applicant or recipient.

(c) The available proportionate shares are considered as a resource if there is real or personal property jointly owned with a nonrecipient. (*Division of Family and Children; 470 IAC 6-4.2-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4.3. Disqualifications for Intentional Program Violations

470 IAC 6-4.3-1 Disqualifications for intentional program violations

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. Disqualifications for intentional program violations shall be administered in accordance with 7 CFR 273.16 with the exception that the state agency shall allow accused individuals to waive their rights to an administrative disqualification hearing. (*Division of Family and Children; 470 IAC 6-4.3-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4.4. Claim Establishment and Collection

470 IAC 6-4.4-1 Claim establishment and collection

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13-7-6

Sec. 1. Claims shall be established and collected upon in accordance with 7 CFR 273.18 with the following exceptions:

(1) The state agency shall take action to establish a claim against any household that received an overissuance due to inadvertent household or administrative error for which three (3) years or less have elapsed between the month an overissuance occurred and the month the state agency discovered a specific case involving an overissuance.

(2) The state agency shall take action to establish a claim for an alleged intentional program violation (IPV) error for which six (6) years or less have elapsed between the month an overissuance occurred and the month the state agency discovered the overissuance.

(3) Collection on claims shall be terminated when all members of a household are deceased.

(4) Collection on claims shall be terminated when all adult members of a household are deceased.

(Division of Family and Children; 470 IAC 6-4.4-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2405; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

Rule 5. Food Stamp Employment and Training Program

470 IAC 6-5-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-6
Affected: IC 12-13-7-2

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Primary wage earner" means the head of household as defined in 7 CFR 273.1(d)(2).

(c) "Casehead" or "head of household" means the person designated by the eligibility worker as casehead based on:

(1) the person being the most recently designated casehead in the certification in that county; or

(2) if this criteria applies to more than one (1) person, the most logical individual on the basis that the head of household will be responsible for ensuring compliance with eligibility requirements on behalf of all assistance unit members.

(d) "IMPACT" means the Indiana manpower placement and comprehensive training program. This is the title of the employment and training program administered through the division of family and children.

(e) "Work registration" means registering a household member by the registrant, casehead, authorized representative, or responsible adult household member signing the work registration form on his own behalf or another registrant's behalf.

(f) "Community work experience program (CWEP)" means the workfare component of the IMPACT program. *(Division of Family and Children; 470 IAC 6-5-1; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2666; errata, 10 IR 2741; filed Mar 31, 1992, 5:00 p.m.: 15 IR 1385; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3077; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 6-5-2 Work registration

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13-7-6

Sec. 2. (a) At initial application for food stamp benefits the eligibility worker will work register each assistance unit member unless that member is exempt.

(b) Exemptions from work registration are limited to those found at 7 CFR §273.7(b)(1).

(c) A copy of the work registration form and a copy of the work registrant's responsibilities and rights will be provided to the casehead for each registrant after eligibility is established.

(d) The casehead shall be responsible for informing all registered assistance unit members of their responsibilities and rights after the forms are mailed to the casehead.

(e) After initial application the eligibility worker will work register each assistance unit member who is a mandatory work registrant:

(1) once every twelve (12) months; or

(2) when reporting a change which directly or indirectly causes a previously exempt household member to lose his or her

exemption status, unless exempt for another reason, the member (or casehead, authorized representative, or a responsible adult household member) must complete and return a work registration form within ten (10) days of being sent the form by the eligibility worker;

(3) when changes occur which do not require reporting but cause a previously work registration exempt member to lose exemption, registration shall be accomplished at the next recertification.

(f) Work registration requirements shall be reviewed at each recertification point to determine the need for registration by assistance unit members.

(g) There are no acceptable reasons for failure to work register after the assistance unit/authorized representative is notified of the requirement to do so, other than a subsequent occurrence which rendered the individual exempt from registration. (*Division of Family and Children; 470 IAC 6-5-2; filed Jul 16, 1987, 2:00 pm: 10 IR 2666; filed Jun 2, 1988, 8:35 am: 11 IR 3552; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-5-3 Employment and training

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-6

Affected: IC 12-13-7-2

Sec. 3. (a) The following are general provisions for employment and training:

(1) Persons will be placed in appropriate components as determined by the agency. Referral to the IMPACT program as a mandatory participant does not entitle that person to IMPACT services or placement in a component. Participation in any IMPACT component does not guarantee any individual placement in employment or a designated level of competency for employment.

(2) Individuals exempt from work registration may volunteer to participate in the IMPACT program.

(3) Mandatory work registrants who are exempt from participation in IMPACT may volunteer to participate in the IMPACT program subject to the following limitations:

(A) No volunteer will be guaranteed a placement in a component or special services.

(B) Voluntary participants will have the same component requirements as mandatory participants in IMPACT. Voluntary participants will not be disqualified from participation in the food stamp program if they fail to comply with IMPACT component requirements without good cause. However, a voluntary participant who fails to comply with the requirements of any component without good cause will not be given priority to participate in the future.

(4) Participants will be placed in IMPACT components until employment/training goals are achieved, the activity is completed, or the individual becomes exempt or leaves the food stamp program.

(5) The IMPACT program base of eligibles shall include all mandatory work registrants, less those who meet the IMPACT exemptions, adjusted downward by ten percent (10%) at the end of the federal fiscal year to account for short term (less than thirty (30) days) food stamp program participants.

(6) Work registrants, unless otherwise exempt, will be required to participate in IMPACT.

(7) IMPACT participants will be reimbursed for the costs of supportive services, including:

(A) the costs of transportation at ten cents (\$0.10) per mile or two dollars (\$2) per day, whichever is higher; and

(B) the actual costs of other items or services, such as:

(i) shoes;

(ii) clothing;

(iii) uniforms;

(iv) equipment;

(v) health; or

(vi) personal needs.

The total costs of these supportive services may not exceed twenty-five dollars (\$25) per month per participant. In addition, participants may be reimbursed for the actual monthly costs of dependent care, not to exceed one hundred seventy-five dollars (\$175) per dependent two (2) years of age or older, or two hundred dollars (\$200) per dependent under two (2) years of age. The reimbursable costs must be reasonably necessary and directly related to the IMPACT component.

(8) Provision of any IMPACT services shall be based on the availability of funding.

(b) The referral process to IMPACT shall be as follows:

(1) Each voluntary or mandatory work registrant shall be evaluated to determine exemption from referral to IMPACT.

- (2) Mandatory work registrants shall be exempt from IMPACT if they meet the following conditions:
 - (A) The monthly cost of participation exceeds the reimbursement limits for supportive services identified in subsection (a)(7).
 - (B) The registrant does not have available transportation necessary to attend an assigned component.
- (3) If not exempt from IMPACT, registrants shall be notified, in writing, of referral to IMPACT and the appointment scheduled for them to attend orientation. This information will be provided to registrants only after the assistance unit is determined eligible for the food stamp program.
- (4) At the time of entry into each component, the IMPACT case manager shall be responsible for informing the registrant, in writing, of the following:
 - (A) The requirements of the component.
 - (B) What will constitute noncompliance.
 - (C) The sanction for noncompliance.
- (c) The IMPACT program incorporates the employment and training program provisions identified in 7 CFR 273.7(f)(1), including the following:
 - (1) Employment services, including the following:
 - (A) Job search.
 - (B) Job placement.
 - (C) Job development.
 - (D) On-the-job training.
 - (E) Community work experience.
 - (F) Other work programs.
 - (2) Training activities, including the following:
 - (A) Job skills assessment.
 - (B) Adult basic education.
 - (C) High school completion.
 - (D) Vocational and other job skills training.

Training and education beyond high school is limited to twenty-four (24) months in duration.

(d) After notice of a requirement, a mandatory IMPACT participant shall be considered to have good cause for failure to comply with an employment and training component if the reason provided by the participant for failure to comply is any of the following:

- (1) Illness or illness of another household member requiring the participant's presence. A physician's statement may be required if illness is given as the reason for failure to comply.
- (2) A household emergency.
- (3) The unavailability of transportation.
- (4) The lack of adequate child care for children who have reached six (6) years of age but are under twelve (12) years of age. (*Division of Family and Children; 470 IAC 6-5-3; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2667; filed Jun 2, 1988, 8:35 a.m.: 11 IR 3553; filed Mar 31, 1992, 5:00 p.m.: 15 IR 1386; filed Feb 26, 1993, 5:00 p.m.: 16 IR 1819; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3078; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 6. Electronic Benefit Transfer System

470 IAC 6-6-1 Electronic benefit transfer; issuance system standards

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14

Sec. 1. On and after the date an electronic benefit transfer (EBT) program is implemented in a county, food stamp assistance will be distributed to eligible persons in that county through an electronic benefit transfer issuance system conforming to the standards and requirements of 7 CFR 274.12, with exceptions and additions stated in this rule. (*Division of Family and Children; 470 IAC 6-6-1; filed Oct 6, 1997, 5:25 p.m.: 21 IR 373; Mar 27, 2000, 8:29 a.m.: 23 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-6-2 Replacement of electronic benefit transfer cards

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14

Sec. 2. (a) The division will replace lost, stolen, or damaged electronic benefit transfer (EBT) cards.

(b) The division may charge a fee for a replacement EBT card. The amount of the fee will be based on the cost of replacement. Fees may increase for a second or subsequent replacement card within any consecutive period of twelve (12) months.

(c) Except as provided in subsection (d), if replacement cards are issued through a centralized mailing system, the division or contractor will mail the replacement cards within seventy-two (72) hours after receipt to notice from the recipient household of the loss or damage.

(d) If, at the time a recipient gives notice to the contractor or division of loss or damage to the recipient's EBT card and requests a replacement card, the recipient does not have a food stamp benefit credit in the EBT system in an amount equal to or exceeding the amount of the replacement card fee determined under subsection (b), the contractor or division is not required to issue a replacement card until the recipient is eligible to receive and is credited with an additional food stamp benefit. The contractor or county office may notify the recipient to request issuance of a replacement card after the recipient's next availability date. (*Division of Family and Children; 470 IAC 6-6-2; filed Oct 6, 1997, 5:25 p.m.: 21 IR 373; Mar 27, 2000, 8:29 a.m.: 23 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-6-3 Notification of off-line storage of stale benefit accounts

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14

Sec. 3. The county office will notify recipient households of the time and procedure for storage off-line of stale benefit accounts, as defined in 7 CFR 274.12(f)(7), and the procedure for reactivating stored accounts, as part of the required household training at the time the initial certification period is established and at time of recertification. (*Division of Family and Children; 470 IAC 6-6-3; filed Oct 6, 1997, 5:25 p.m.: 21 IR 373; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-6-4 Permissible conversions from electronic benefit transfer accounts to coupons for temporary absences

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14

Sec. 4. (a) Except as provided in this section, a recipient household may convert its electronic benefit transfer (EBT) account to coupons not more than three (3) times in any period of twelve (12) consecutive months, in the event the household is temporarily absent from the state or EBT system area for the purpose of a family emergency or similar isolated occurrence.

(b) In order to convert benefits from an EBT account to coupons, a recipient must make a written request to the county office. The request must specify the time, not to exceed one (1) month, for which coupons are required.

(c) In case of emergency and for good cause, the recipient may request the county director to authorize an additional conversion of benefits to coupons that exceeds the number of conversions permitted under subsection (a). (*Division of Family and Children; 470 IAC 6-6-4; filed Oct 6, 1997, 5:25 p.m.: 21 IR 373; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 6-6-5 Retailer participation

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14-5

Sec. 5. (a) The division will provide point of sale (POS) equipment to each retailer whose average monthly food stamp program sales are equal to one hundred dollars (\$100) or greater.

(b) The division will determine the average monthly food stamp program sales for each retailer in the following manner:

(1) For a retailer who was authorized to participate in the food stamp program for at least nine (9) months before:

(A) the electronic benefit transfer (EBT) system is implemented in the retailer's market area; or

(B) the retailer applies to the division for POS equipment;

the determination will be based on the two (2) most recent quarterly sales reports for the retailer that the division receives from

the Food and Consumer Service.

(2) For a retailer to whom subdivision (1) does not apply, the determination will be based on the division's estimate of future average monthly sales. The estimate will consider the following:

- (A) The retailer's estimated future monthly food inventory and sales.
- (B) The size and location of the retailer's facility.
- (C) The retailer's actual monthly food sales during the preceding twelve (12) months.
- (D) Any other facts the retailer considers relevant to the determination.

(c) The division may remove any POS equipment that it provided to a retailer if the division determines, based on review of the most recent quarterly food stamp program sales reports, that the retailer's average monthly food stamp program sales are less than one hundred dollars (\$100).

(d) A retailer who is not eligible to receive POS equipment pursuant to subsection (a) may:

- (1) purchase the equipment necessary to access the EBT system; or
- (2) utilize a manual voucher process provided by the contractor for redemption of benefits.

(Division of Family and Children; 470 IAC 6-6-5; filed Oct 6, 1997, 5:25 p.m.: 21 IR 374; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 6-6-6 Off-line transactions

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-14-8

Sec. 6. (a) In the event of an operational failure of the electronic benefit transfer system, a retailer may provide benefits off-line to a recipient household in an amount not exceeding forty dollars (\$40).

(b) Before providing benefits off-line, a retailer must obtain approval from the contractor or division in accordance with the procedure specified in the contract between the retailer and the division.

(c) An off-line transaction that is authorized and approved under this section must be completed in accordance with the procedures specified in the contract between the retailer and the division or contractor, including any operating rules or standards applicable to the Indiana electronic benefit transfer system that are incorporated by reference in the contract. *(Division of Family and Children; 470 IAC 6-6-6; filed Oct 6, 1997, 5:25 p.m.: 21 IR 374; Mar 27, 2000, 8:29 a.m.: 23 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

ARTICLE 7. COUNTY HOMES

Rule 1. Eligibility for Assistance for Residents (Repealed)

(Repealed by Division of Family and Children; filed Dec 1, 1980, 11:30 am: 4 IR 47)

ARTICLE 8. PUBLIC ASSISTANCE MANUAL FOR STATE ASSISTANCE PROGRAMS (REPEALED)

(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

ARTICLE 8.1. PUBLIC ASSISTANCE MANUAL FOR STATE ASSISTANCE PROGRAMS

Rule 1. Eye Treatment Program (Expired)

(Expired under IC 4-22-2.5, effective January 1, 2002.)

Rule 2. County Homes Program

470 IAC 8.1-2-1 Definitions (Expired)

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

470 IAC 8.1-2-2 Interview of applicants and recipients (Expired)

Sec. 2. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-3 Place of application (Expired)

Sec. 3. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-4 Age requirement (Expired)

Sec. 4. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-5 Visual eligibility (Expired)

Sec. 5. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-6 Disability determination (Expired)

Sec. 6. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-7 United States citizenship or alienage requirement (Expired)

Sec. 7. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-8 Personal property ownership; limitations (Expired)

Sec. 8. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-9 Real property ownership; limitations (Expired)

Sec. 9. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-10 Income of applicant or recipient; calculation (Expired)

Sec. 10. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-11 Income of spouse; inclusion (Expired)

Sec. 11. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 8.1-2-12 Income eligibility

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-10-6; IC 12-30

Sec. 12. (a) An applicant's or recipient's income eligibility for assistance to residents in county homes shall be determined by the procedures in this section.

(b) The following requirements apply to a single applicant or recipient:

- (1) Determine the applicant's or recipient's countable income under section 10 of this rule.
- (2) Subtract from the total amount determined in subdivision (1), fifty dollars (\$50) for the personal needs of the applicant or recipient.
- (3) Subtract the established board and room rate from the amount determined in subdivision (2).
- (4) If the remainder is less than zero dollars (\$0), the applicant or recipient is eligible for assistance to residents in county

homes.

(5) If the remainder is zero dollars (\$0) or more, the applicant or recipient is ineligible for assistance to residents in county homes.

(c) The following requirements apply to married applicants or recipients residing in the county home:

(1) Determine separately each spouse's countable income under section 10 of this rule.

(2) Subtract from each spouse's total amount determined in subdivision (1), fifty dollars (\$50) for the spouse's personal needs.

(3) Subtract the established room and board rate from the amount determined in subdivision (2) for each spouse.

(4) If each spouse's remainder is less than zero dollars (\$0), each spouse is eligible for assistance to residents in county homes.

(5) If one (1) spouse is ineligible, subtract the amount of his average monthly medical expenses from his remainder determined in subdivision (3).

(6) Add the remainder determined in subdivision (5) to the eligible spouse's countable income in subdivision (1).

(7) Subtract from the total amount determined in subdivision (6), fifty dollars (\$50) for personal needs.

(8) Subtract the established board and room rate from the amount determined in subdivision (7).

(9) If the remainder is less than zero dollars (\$0), the spouse is eligible for assistance to residents in county homes.

(10) If the remainder is zero dollars (\$0) or more, both spouses are ineligible for assistance to residents in county homes.

(Division of Family and Children; 470 IAC 8.1-2-12; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1002, eff Apr 1, 1984; filed Sep 22, 1988, 2:30 p.m.: 12 IR 293; filed Mar 5, 1998, 9:15 a.m.: 21 IR 2385; filed Mar 13, 2000, 7:41 a.m.: 23 IR 1993)

470 IAC 8.1-2-13 Rate of payment (Expired)

Sec. 13. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

470 IAC 8.1-2-14 Payment for services (Repealed)

Sec. 14. *(Repealed by Division of Aging and Rehabilitative Services; filed Jun 3, 1992, 9:00 a.m.: 15 IR 2211)*

470 IAC 8.1-2-15 Replacement of lost or stolen warrants (Expired)

Sec. 15. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

470 IAC 8.1-2-16 Accounting for personal needs funds (Expired)

Sec. 16. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

Rule 3. Room and Board Assistance Program (Transferred)

NOTE: Transferred from the Division of Family and Children (470 IAC 8.1-3) to the Office of the Secretary of Family and Social Services (460 IAC 5-1) by P.L.9-1991, SECTION 130.

Rule 4. State Supplemental Assistance Program (Expired)

(Expired under IC 4-22-2.5, effective January 1, 2002.)

ARTICLE 9. MEDICAID MANUAL (REPEALED)

(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

ARTICLE 9.1. MEDICAID RECIPIENTS; ELIGIBILITY

Rule 1. Aged, Blind, and Disabled Program (Transferred)

NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-1) to the Office of the Secretary of Family and Social Services (405 IAC 2-1) by P.L.9-1991, SECTION 131, effective January 1, 1992.

Rule 2. Eligibility Requirements Other than Need (Transferred)

NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-2) to the Office of the Secretary of Family and Social Services (405 IAC 2-2) by P.L.9-1991, SECTION 131, effective January 1, 1992.

Rule 3. Eligibility Requirements Based on Need

470 IAC 9.1-3-1 Personal property ownership; limitations (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Dec 16, 1986, 11:00 am: 10 IR 1081, eff Feb 1, 1987)*

470 IAC 9.1-3-2 Real property ownership; limitations (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Dec 16, 1986, 11:00 am: 10 IR 1081, eff Feb 1, 1987)*

470 IAC 9.1-3-3 Transfer of property to meet eligibility requirements (Transferred)

Sec. 3. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-3) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-1) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-4 Life care contracts (Transferred)

Sec. 4. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-4) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-2) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-5 Income of applicant or recipient; calculation (Transferred)

Sec. 5. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-5) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-3) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-6 Income of legally responsible relatives; inclusion (Transferred)

Sec. 6. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-6) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-4) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-7 Income of parents; calculation (Transferred)

Sec. 7. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-7) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-5) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-8 Income levels for immediate family of institutionalized applicant or recipient (Transferred)

Sec. 8. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-8) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-6) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-9 Available income of immediate family of institutionalized applicant or recipient (Transferred)

Sec. 9. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-9) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-7) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-10 Income eligibility of noninstitutionalized applicant or recipient (Transferred)

Sec. 10. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-10) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-8) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-11 Income eligibility of institutionalized applicant or recipient (Transferred)

Sec. 11. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-11) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-9) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-12 Spend-down eligibility (Transferred)

Sec. 12. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-12) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-10) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-13 Loans; inclusion as income (Transferred)

Sec. 13. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-13) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-11) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-14 Contract sale of real property; calculation as income (Transferred)

Sec. 14. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-14) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-12) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-15 In-kind support and maintenance; inclusion as income (Transferred)

Sec. 15. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-15) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-13) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-16 Resources; general (Transferred)

Sec. 16. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-16) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-14) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-17 Resources; limitations and exclusions (Transferred)

Sec. 17. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-17) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-15) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-18 Funeral trusts; consideration (Transferred)

Sec. 18. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-18) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-16) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

470 IAC 9.1-3-19 Income eligibility of institutionalized applicant or recipient with community spouse; posteligibility (Transferred)

Sec. 19. *(Transferred from the Division of Family and Children (470 IAC 9.1-3-19) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-17) by P.L.9-1991, SECTION 131, effective January 1, 1992.)*

Rule 4. Burial Expenses (Transferred)

NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-4) to the Office of the Secretary of Family and Social Services (405 IAC 2-4) by P.L.9-1991, SECTION 131, effective January 1, 1992.

ARTICLE 10. AID TO FAMILIES WITH DEPENDENT CHILDREN MANUAL

Rule 1. The Application Process

470 IAC 10-1-1 Scope and purpose (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-2 Legal base; disposition of application; eligibility or ineligibility; withdrawal; death (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-3 Definitions (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-4 Agency responsibility (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-5 Applicant responsibility and rights (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-6 Facilities and county function; responsibility of director; promotion of efficient processing of applications (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-7 Procedures in application process (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-8 Reapplications (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-9 Mandatory services (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-1-10 Index card; DPW form 3 (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-1-11 Application for assistance to dependent children; assignment of rights to support; DPW form 60 (Repealed)

Sec. 11. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-12 Notice to applicant regarding eligibility requirements; DPW form 60A (Repealed)

Sec. 12. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-13 Supplemental application; assistance to dependent children; DPW form 60B (Repealed)

Sec. 13. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-14 Desk card of AFDC application; DPW form 74-PA (Repealed)

Sec. 14. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-1-15 Register of applications and requests; DPW form 621 (Repealed)

Sec. 15. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

Rule 2. Eligibility Other Than Need (Repealed)

(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

Rule 3. Determination of Need and Amount of Assistance

470 IAC 10-3-1 Legal base (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-2 Summary of factors considered in the determination of need (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-3 General principles to be followed in determination of need; reporting changes (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-4 Property and resources of family (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Jan 29, 1982, 11:10 am: 5 IR 546)*

470 IAC 10-3-4.1 Eligibility for AFDC; equity in real and personal property (Repealed)

Sec. 4.1. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-5 Income (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-6 Standards for budgetary requirements (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-7 Budgeting procedures to be used by caseworker; principles (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-8 Policies for including allowance for special needs (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-9 Chart showing state maximum allowances (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-10 Verification guide for determination of need (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-11 Procedure for obtaining information from the Veterans Administration (Repealed)

Sec. 11. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-12 Verification from Railroad Retirement Board (Repealed)

Sec. 12. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-13 Method of obtaining support from men serving in the armed forces (Repealed)

Sec. 13. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-14 Responsible relative schedule (Repealed)

Sec. 14. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-15 Consideration of requirements and income of AFDC family according to living arrangements; chart V (Repealed)

Sec. 15. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-16 Budget and recommendation form; DPW form 5A (Repealed)

Sec. 16. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-17 Authorization for release of financial information; DPW form 14 (Repealed)

Sec. 17. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-18 Request for information from State Department of Revenue; DPW form 19 (Repealed)

Sec. 18. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-19 Request for information from Employment Security Division; DPW form 95 (Repealed)

Sec. 19. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-20 Agreement to offer property for sale and for rent; DPW form 118 (Repealed)

Sec. 20. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-21 Notice of method of budgeting household expenses; DPW form 62 (Repealed)

Sec. 21. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-22 Record of court ordered support; DPW form 63A (Repealed)

Sec. 22. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-23 Statement from absent parent regarding support; DPW form 63B (Repealed)

Sec. 23. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-24 Request for information regarding earnings; DPW form 65 (Repealed)

Sec. 24. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-25 Agreement to adjust resources and to repay assistance and medical payments; form (Repealed)

Sec. 25. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-26 Statement of resources and income; DPW form 199 (Repealed)

Sec. 26. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-27 Established allowances; DPW form 350 (Repealed)

Sec. 27. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-3-28 Worksheet for determination of net earned income (Repealed)

Sec. 28. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

470 IAC 10-3-29 Request for information from Social Security Administration; form SSA 1610 (Repealed)

Sec. 29. *(Repealed by Division of Family and Children; filed Dec 14, 1981, 8:50 am: 5 IR 104)*

Rule 4. Case Processing and Payment of Assistance

470 IAC 10-4-1 Case records; organization; narrative; content; confidentiality (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-4-2 Correspondence; criteria; procedures (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-4-3 Action on applications; action to discontinue assistance; action on burial claims (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-4-4 Notice to recipients of county board action; effective dates; forms (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-4-5 Payment of assistance (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-4-6 Notice to township trustee of assistance granted or discontinued; DPW form 16 (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Jan 29, 1982, 11:10 am: 5 IR 546)*

470 IAC 10-4-7 Certificate of action; assistance to dependent children or foster care; DPW form 619C (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

470 IAC 10-4-8 Notice to adjust certificates of board action; SDPW form 1086 (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)*

Rule 5. Continuing Eligibility (Repealed)

(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

Rule 6. Complaints, Appeals, Hearings (Repealed)

(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1047, eff Apr 1, 1984)

Rule 7. Burial Provisions (Repealed)

(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

Rule 8. Medicaid; AFDC (Repealed)

(Repealed by Division of Family and Children; filed Mar 1, 1984, 2:31 pm: 7 IR 1027, eff Apr 1, 1984)

Rule 9. AFDC; Foster Care (Repealed)

(Repealed by Division of Family and Children; filed Oct 7, 1982, 3:57 pm: 5 IR 2344)

ARTICLE 10.1. ASSISTANCE TO FAMILIES WITH DEPENDENT CHILDREN

Rule 1. Definitions and Applicability

470 IAC 10.1-1-1 Definitions

Authority: IC 12-13-7-5; IC 12-13-14-2

Affected: IC 5-22-17-8; IC 12-7-2; IC 12-13-14-1; IC 12-14

Sec. 1. (a) In addition to the definitions in IC 12-7-2 and IC 12-13-14-1, the definitions in this section apply throughout this

article.

(b) "Applicant" means the person who requests or applies for TANF assistance, refugee assistance, or other services provided under the Title IV-A plan or under 45 CFR Part 400.

(c) "Assistance group" means those persons whose income, resources, or needs are considered in determining eligibility for TANF assistance or other services provided under the Title IV-A plan or for refugee assistance under 45 CFR 400, Subpart E.

(d) "Assistance to families with dependent children (AFDC)" and "assistance to families with dependent children-unemployed parent (AFDC-UP)" means the financial assistance program established under the Title IV-A plan.

(e) "Attending school full time" means that the educational institution that a student is attending classifies him or her as such.

(f) "Availability date" means the day of the month on which cash assistance is credited to the account of a recipient and becomes available for payment or withdrawal through the recipient's EBT card.

(g) "Available assistance" means cash assistance that is credited to the account of a recipient and is available for payment or withdrawal through the recipient's EBT card.

(h) "Cash assistance" means monetary payments that a recipient is eligible to receive through the Indiana EBT program, as determined by the division. Cash assistance includes, but is not limited to, TANF assistance and refugee assistance.

(i) "EBT" means electronic benefit transfers as a method of distributing cash assistance, described in IC 12-13-14.

(j) "EBT card" means a plastic card that can be used to effect transactions through the Indiana EBT program.

(k) "EBT contractor" means a person, firm, corporation, or other entity that has a contract with the division, pursuant to IC 5-22-17-8, to implement and operate all or any part of an EBT program in Indiana.

(l) "Full-time employment" means employment in excess of one hundred twenty-nine (129) hours per calendar month.

(m) "Full-time student" means an individual who attends an educational institution full time as defined by the institution.

(n) "Indiana manpower placement and comprehensive training (IMPACT)" means the employment and training program administered by the division.

(o) "Mandatory member" is any individual living in the same household as the dependent child who is:

- (1) a natural parent or stepparent;
- (2) an adoptive parent or stepparent; or
- (3) a blood related or adoptive sibling.

(p) "Nonparticipating member" means those persons who receive no TANF assistance or refugee assistance, but whose income, resources, or needs are considered in determining eligibility for TANF assistance or refugee assistance.

(q) "Nonrecipient" means a person who is not a recipient.

(r) "Parent" means the biological or legal parent of the dependent child, but does not include a stepparent or a parent whose rights to the child have been terminated.

(s) "Participating in a strike" means engaging in any activity or lack of activity included in the definition of "strike" in subsection (bb).

(t) "Participating member" means a person who receives a benefit through the Title IV-A plan or 45 CFR 400.

(u) "Participating retailer" means a retailer that owns or operates and *[sic., an]* automated teller machine (ATM) or point of sale (POS) terminal and has a contract with the division or EBT contractor to provide cash assistance to recipients holding EBT cards.

(v) "Part-time employment" means employment of one hundred twenty-nine (129) hours or less per calendar month.

(w) "Payment month" means the calendar month for which TANF assistance or refugee assistance is paid or made available for distribution to eligible recipients through the EBT program.

(x) "Processor" means a person, firm, corporation, or other entity, other than an EBT contractor, that relays electronic transactions between an EBT contractor and a retailer.

(y) "Prospective budgeting" means the determination of eligibility based on the best estimate of income and circumstances that will exist in the payment month.

(z) "Recipient" means a person who is receiving or is eligible to receive cash assistance, or other services provided under the Title IV-A plan or 45 CFR 400 as determined by the division.

(aa) "Refugee assistance" means monetary payments that the division provides to an eligible refugee who does not receive TANF assistance, pursuant to 8 U.S.C. 1522(e) and 45 CFR 400, Subpart E.

(bb) "Strike" means concerted failure to report for duty, willful absence from one's position, stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, without the lawful approval of the employer, or in any concerted manner interfering with the operation of an employer.

(cc) "TANF assistance" means temporary assistance to needy families in the form or [sic., of] monetary payments that a recipient is eligible to receive, as determined by the division, in accordance with the Title IV-A plan.

(dd) "Title IV-A plan" means an applicable provision of the plan submitted to and accepted by the United States Secretary of Health and Human Services for use of funds received by Indiana as a state family assistance grant under Title IV-A. (*Division of Family and Children; 470 IAC 10.1-1-1; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1022, eff Apr 1 1984; filed Sep 24, 1984, 10:44 a.m.: 8 IR 51; errata, 8 IR 216; filed May 2, 1990, 5:00 p.m.: 13 IR 1708; filed Oct 3, 1990, 1:44 p.m.: 14 IR 271, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty(30) days after filing with the secretary of state. LSA Document #90-72 was filed Oct 3, 1990.]; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1807; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-1-2 Applicant and recipient responsibilities

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. (a) In addition to the requirements of 470 IAC 2.1-1-2, the requirements of this rule apply to the AFDC and AFDC-UP programs.

(b) The IMPACT program incorporates the employment and training program provisions at 45 CFR 250 (Job Opportunities and Basic Skills Training Program), including the following:

(1) Employment services, including the following:

- (A) Job search.
- (B) Job placement.
- (C) Job development.
- (D) On-the-job training.
- (E) Community work experience.
- (F) Other work programs.

(2) Training activities, including the following:

- (A) Job skills assessment.
- (B) Adult basic education.
- (C) High school completion.
- (D) Vocational and other job skills training.

Training and education beyond high school is limited to twenty-four (24) months in duration. Educational placement is to emphasize vocational skills in a course of study which has the greatest degree of possibility for job placement immediately upon completion. Any educational placement must be consistent with the comprehensive assessment completed on the recipient.

(c) The IMPACT program shall be operational statewide.

(d) Except as provided in 45 CFR 250.30, all applicants for, and recipients of, AFDC and AFDC-UP must comply with the requirements of 45 CFR 250.30 and this section.

(e) Any individual exempt under 45 CFR 250.30 who is sixteen (16) years of age or older, and applying for or receiving AFDC or AFDC-UP in any of the ninety-two (92) counties may volunteer for the IMPACT program.

(f) All recipients of AFDC and AFDC-UP who are required to participate in the IMPACT program, and those who volunteer for the IMPACT program, will be referred to IMPACT. IMPACT participants will be considered for placement in an appropriate employment or training activity with an emphasis on immediate job placement, which may be complemented by education or training, consistent with the comprehensive assessment of the recipient.

(g) The following actions constitute failure to cooperate with any of the AFDC and AFDC-UP provisions administered through IMPACT:

- (1) Failure to attend an assessment interview.
- (2) Failure to go to a job interview.
- (3) Voluntary termination of employment without the prior approval of the caseworker.
- (4) Refusal to accept employment.
- (5) Voluntary reduction of employment hours without the prior approval of the caseworker.
- (6) Refusal to cooperate with any employment or training agency whose services are included on an individual's employability plan.

DIVISION OF FAMILY AND CHILDREN

(7) Failure to attend seventy-five percent (75%) of the scheduled hours for any activity.

(8) Termination of employment by the employer, because of disciplinary reasons, for example, firing for good cause.

(h) An individual's failure to cooperate or accept employment will result in a sanction that reduces the AFDC benefit for periods of time prescribed in 45 CFR 250.34. For the first failure, the sanction will continue until the failure to comply ceases or employment is accepted. For the second failure, the sanction will continue until the failure to comply ceases or three (3) months, whichever is longer. For any subsequent failure, the sanction will continue until the failure to comply ceases or six (6) months, whichever is longer. An individual's failure to cooperate is considered to have ceased when the participant accepts employment of at least thirty (30) hours at minimum wage or agrees to participate in the program by completing the assigned activity or attending the assigned activity for two (2) weeks, whichever is less.

(i) An individual may be temporarily excused from activities with good cause. Good cause for failure to cooperate with any of the AFDC and AFDC-UP provisions administered through IMPACT shall be limited to the following reasons:

(1) The individual is the parent or other caretaker relative personally providing care for a child under six (6) years of age, and the employment or training activity would require such individual to work more than twenty (20) hours per week.

(2) Child or incapacitated adult care is necessary for an individual to participate in an employment or training activity, and such care is not available and the division is unable to provide the care that is needed.

(3) The participant's employment would result in a net loss of income for the family as defined in 45 CFR 250.35.

(4) The individual is ill as verified by a licensed medical professional.

(5) Participation in an employment or training activity would interfere with the individual's unsubsidized employment of at least thirty (30) hours per week at minimum wage.

(6) The requirements of the employment or training placement are beyond the physical or mental capabilities of the individual as determined by a licensed medical professional.

(7) The conditions of the employment or training site violate applicable state or federal health and safety standards.

(8) Wages received by or offered to the individual do not meet applicable federal minimum wage requirements or, if greater than the federal minimum wage rate, are less than the customary wages paid for that activity in the community.

(9) The failure of the individual to participate occurred as a direct result of the individual's involvement in or remedy of a situation which presented an immediate risk to the health or safety of the individual or others.

(10) Participation has been determined inappropriate by a judge or licensed health care professional.

(11) Work demands or conditions render continued employment unreasonable, such as working without being paid on schedule.

(j) Mandatory participants who fail to cooperate will be subject to the program penalties specified in 45 CFR 250.34.

(k) All IMPACT participants will be notified of their rights to a hearing when aggrieved by any action resulting from the IMPACT provisions in accordance with 45 CFR 205.10.

(l) Reimbursement is available to the extent indicated as follows for supportive services necessitated by the individual's participation in an employment or training activity:

Item or Services	Maximum Fee
Activity fees	\$50 per twelve (12) month period
Clothing	\$100 per twelve (12) month period
Driver's training	\$260 maximum (one-time expense)
Driver's license fee	\$10 per twelve (12) month period
Equipment and tools	\$500 per twelve (12) month period
Health, beauty, and personal needs	\$50 per twelve (12) month period
Licensure fees	\$100 per twelve (12) month period
Medical (if not covered by Medicaid)	\$500 per twelve (12) month period
Shoes	\$100 per twelve (12) month period
Transportation	\$200 per month maximum (\$0.15 per mile if client has a vehicle, or the actual cost of public transportation)
Uniforms	\$100 per twelve (12) month period
Union dues	\$150 for first quarter after obtaining employment
Vehicle repair	\$500 per twelve (12) month period
Weight control	\$300 per twelve (12) month period
Move to accept employment	\$500 (one-time expense)

(m) Each applicant and recipient shall be interviewed by the county office at the time of the initial investigation and at each semiannual reinvestigation of eligibility. The initial interview may be conducted in the county office, at a home visit, or at a community location designated by the county office. The semiannual interview may be conducted by telephone. A face-to-face interview must be conducted by the county office with the recipient at least every twelve (12) months.

(n) Each applicant and recipient shall participate in any interview or reinvestigation required under subsection (m). Each recipient shall be required to allow the county office caseworker to visit him or her in his or her place of residence during agency working hours at the time of each reinvestigation of eligibility. In the absence of a valid reason for the recipient's refusal or unwillingness to allow said visit or participate in said interview or investigation, the entire assistance group shall be ineligible and the assistance group shall be discontinued. (*Division of Family and Children; 470 IAC 10.1-1-2; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1022, eff Apr 1, 1984; filed Aug 28, 1984, 10:58 a.m.: 7 IR 2521; filed Mar 7, 1985, 2:54 p.m.: 8 IR 798; filed May 23, 1986, 10:40 a.m.: 9 IR 2712; filed Aug 26, 1987, 11:00 a.m.: 11 IR 87; filed Aug 5, 1988, 2:10 p.m.: 11 IR 4098; filed Apr 5, 1990, 1:20 p.m.: 13 IR 1395; filed May 2, 1990, 5:00 p.m.: 13 IR 1709; filed Oct 3, 1990, 1:44 p.m.: 14 IR 272, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #90-72 was filed Oct 3, 1990.]; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1808; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3080; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-1-2.1 Applications and authorized representative

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2.1. (a) Applications filed for a dependent child shall include all mandatory group members currently in the home and all future mandatory members in the home without requiring additional applications.

(b) The applicant or recipient must report to the division any change in household composition, including mandatory group members, within ten (10) days of the change.

(c) The applicant or recipient shall sign an application if the following individuals wish to receive assistance under this article:

- (1) Nonparental caretaker of the dependent child.
- (2) Stepparent of the dependent child, when the natural parent is incapacitated as defined in 470 IAC 10.1-2-1.
- (3) Dependent child who is not a sibling of other dependent children.

(d) An application for the AFDC or AFDC-UP shall be completed on the form prescribed by the division and must contain the name, address, and signature of the applicant.

(e) An application that does not meet the requirements of subsection (d) shall not be acted upon by the county office.

(f) An applicant may use an authorized representative to apply for AFDC or AFDC-UP, to represent the applicant in all interviews, and to notify the county office of any changes. The authorization must be in writing, if the representative is not a member of the assistance group. (*Division of Family and Children; 470 IAC 10.1-1-2.1; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1810; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-1-3 Date of application

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14-1-2

Sec. 3. For the purpose of determining when notice of the decision to grant or deny assistance must be mailed to an applicant for AFDC under the provisions of 45 CFR 206.10, the date of application is the date on which the signed application is received by the county office specified in IC 12-14-1-2 or the community location designated by the county office. (*Division of Family and Children; 470 IAC 10.1-1-3; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1023, eff Apr 1, 1984; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1811; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 2. Eligibility Requirements

470 IAC 10.1-2-1 Incapacity determination

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 1. (a) The incapacity definition applicable to the assistance to families with dependent children program is the definition contained in 45 CFR 233.90.

(b) An applicant or recipient who is receiving supplemental security income or social security on the basis of blindness or disability shall be considered incapacitated for purposes of the assistance to families with dependent children program.

(c) Each applicant for or recipient of assistance to families with dependent children as an incapacitated parent, except those specified in subsection (b) of this section, must undergo an examination by a physician possessing an unlimited license to practice medicine.

(d) The county department shall determine whether the applicant or recipient is incapacitated based upon:

(1) a written report from the examining physician on a form provided by the state department or in any other format that contains the same information as requested on this form;

(2) social and occupational information regarding the applicant or recipient; and

(3) the opinion of the state department's medical review team if the county director determines that this opinion is necessary for his determination.

(Division of Family and Children; 470 IAC 10.1-2-1; filed Mar 1, 1984, 2:31 pm: 7 IR 1023, eff Apr 1, 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 10.1-2-2 Temporary absence from home

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. A child receiving AFDC or the parent or caretaker relative of said child, may continue to receive assistance if he or she is temporarily absent from the home. The temporary absence is limited to situations in which the child, parent, or caretaker is expected to return to the home by the end of the next payment period. *(Division of Family and Children; 470 IAC 10.1-2-2; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1023, eff Apr 1, 1984; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1811; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 10.1-2-3 Absence from home as related to work registration (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818)*

470 IAC 10.1-2-4 Eligibility of aliens

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 4. Any alien whose sponsor is a public or private agency or organization is ineligible for assistance for three years from the date of the alien's entry into the U.S., unless the sponsoring public or private agency or organization is either no longer in existence or has been unable to meet the alien's needs as verified by a sworn statement from the executive officer of the agency/organization disclosing the agency's/organization's financial status. *(Division of Family and Children; 470 IAC 10.1-2-4; filed Apr 10, 1985, 2:20 pm: 8 IR 991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 10.1-2-5 Restriction in payment to households headed by a minor parent

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14

Sec. 5. (a) In accordance with the provisions of 45 CFR 233.107, which is incorporated by reference in this section, the state adopts the option to restrict Assistance to Families with Dependent Children (AFDC) payments made to households headed by minor parents.

(b) A minor parent and the dependent child in her care must reside in the household of a parent, legal guardian, or other adult relative, or in an adult supervised supportive living arrangement in order to receive AFDC.

(c) The requirement in subsection (b) does not apply in the following circumstances:

(1) The minor parent has no living parent or legal guardian whose whereabouts are known.

(2) No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home.

(3) The minor parent lived apart from his or her own parent or legal guardian for a period of at least one (1) year before either the birth of the dependent child or the parent's having made application for AFDC.

(4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the minor parent's parent or legal guardian.

(d) Except as provided in subsection (c), there are no circumstances justifying a determination of good cause from the requirement in subsection (b). (*Division of Family and Children; 470 IAC 10.1-2-5; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2025; errata filed May 10, 1995, 1:45 p.m.: 18 IR 2262; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-2-6 Physical custody of children for the purpose of establishing Assistance to Families with Dependent Children eligibility

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14

Sec. 6. A parent or caretaker relative and the dependent child are not eligible for Assistance to Families with Dependent Children (AFDC) when the physical custody of the dependent child was obtained for the sole purpose of establishing AFDC eligibility. (*Division of Family and Children; 470 IAC 10.1-2-6; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 3. Determination of Need

470 IAC 10.1-3-1 Real and personal property ownership

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14; IC 30-2-10

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Availability" means that the individual has the right, authority, or ability to liquidate the property, or his or her share of the property.

(2) "Liquid assets" means the cash or financial instruments which are convertible into cash.

(3) "Market value" means the price that the property can reasonably be sold for on the open market.

(4) "Equity value" means the current market value less the total liens or incumencies against the property.

(b) The limitations set forth in this rule regarding ownership of real and personal property apply to the determination of eligibility for assistance to families with dependent children, subject to the definitions and requirements of 45 CFR 233.20.

(c) An assistance group is ineligible for assistance if the total value of their equity in real and personal property, unless exempted by subsection (d), is in excess of one thousand dollars (\$1,000).

(d) The value of the following items of real and personal property is exempt from consideration in determining eligibility for assistance:

(1) The home which is the usual residence of the assistance group.

(2) One thousand dollars (\$1,000) of equity in one (1) motor vehicle.

(3) The equity value of any apparatus installed in a motor vehicle for the use or benefit of a handicapped person.

(4) All household goods and personal effects.

(5) Livestock, farm implements, and tools used in the production of meat, dairy products, and produce for home consumption.

(6) The proceeds, or any interest earned on the proceeds, of casualty insurance received as a result of damage, destruction, loss, or theft of exempt real or personal property if the applicant or recipient demonstrates that the proceeds are being used to replace the damaged, destroyed, lost, or stolen exempt property.

(7) One (1) burial plot and one thousand five hundred dollars (\$1,500) equity value in one (1) written funeral contract for each member of the AFDC group.

(8) Real property which is for sale is exempt for one (1) six (6) month period beginning from the date of signature on the agreement as required by 45 CFR 233.20.

(e) If the assistance group owns more than one (1) motor vehicle, the equity exclusion shall be applied against the motor vehicle with the highest equity, and no equity exclusion shall be applied to the other motor vehicles.

(f) The proceeds from the sale of an item of real or personal property are considered a resource subject to this rule.

(g) Liquid assets which are jointly owned between participating assistance group members and individuals who are nonrecipients are presumed to be available in total to the assistance group member. This presumption of availability may be rebutted as provided in subsection (h).

(h) The presumption of jointly owned liquid assets under subsection (g) may be successfully rebutted under the following circumstances:

(1) Verification of each owner's share.

(2) Assets of the participating assistance group member are not commingled with an individual who is not a participating member of the same assistance group.

(i) Jointly owned real and personal resources which are not liquid assets are presumed to be proportionately available to each of the joint owners. *(Division of Family and Children; 470 IAC 10.1-3-1; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1023, eff Apr 1, 1984; filed Mar 7, 1985, 2:54 p.m.: 8 IR 799; errata, 8 IR 1160; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1811; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 10.1-3-2 Prospective budgeting for calculation of assistance (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed May 2, 1990, 5:00 p.m.: 13 IR 1715)*

470 IAC 10.1-3-3 Standard of need (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Aug 26, 1987, 11:00 am: 11 IR 90)*

470 IAC 10.1-3-3.1 Standard of need

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 3.1. In accordance with the requirements of 45 C.F.R. 233.20, the following is the standard of need used to determine eligibility for the assistance to families with dependent children program:

(1) Standard for assistance units which include the dependent child's parent or caretaker:

1	Person Unit	2	Person Unit	3	Person Unit	4	Person Unit	5	Person Unit
	\$155		\$255		\$320		\$385		\$450
6	Person Unit	7	Person Unit	8	Person Unit	9	Person Unit	10	Person Unit
	\$515		\$580		\$645		\$710		\$775

+ \$65 for each additional unit member.

(2) Standard for assistance units which include only dependent children:

1	Person Unit	2	Person Unit	3	Person Unit	4	Person Unit	5	Person Unit
	\$155		\$220		\$285		\$350		\$415
6	Person Unit	7	Person Unit	8	Person Unit	9	Person Unit	10	Person Unit
	\$480		\$545		\$610		\$675		\$740

+ \$65 for each additional unit member.

(Division of Family and Children; 470 IAC 10.1-3-3.1; filed Apr 5, 1990, 1:50 p.m.: 13 IR 1390; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 10.1-3-4 Countable income; determination

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 4. (a) When determining eligibility and the amount of the assistance payment, the following computations shall be made to establish income for the payment month:

(1) Income received on less than a monthly basis shall be converted to a monthly amount as follows:

DIVISION OF FAMILY AND CHILDREN

(A) The weekly amount shall be multiplied by four and three-tenths (4.3) to determine the monthly income.

(B) Income received every two (2) weeks shall be multiplied by two and fifteen-hundredths (2.15) to determine the monthly income.

(C) Income received twice per month shall be multiplied by two (2) to determine the monthly income.

(2) When the income is not expected to continue throughout the payment month, the county office shall count only the actual amount anticipated to be received in that month.

(3) When an individual is employed on a contractual basis, the income shall be prorated over the number of months covered under the contract, and the resultant amount shall be considered available monthly income.

(4) Income received on a quarterly, semiannual, or annual basis shall be divided by the appropriate number of months to establish the monthly amount.

(5) Income received to defray the cost of education shall be prorated over the period intended to be covered by the income.

(6) Fluctuating income may be averaged to determine a monthly amount.

(b) Countable income is gross monthly income less the deductions and exclusions required to be excluded by federal statute or regulation, and the deductions and exclusions as follows:

(1) The determination of net earned income shall be made as follows:

(A) The county office shall deduct a work expense disregard as allowed by federal regulations for the AFDC applicant or recipient employed either full time or part time, as defined in 470 IAC 10.1-1-1.

(B) For nonrecipients, except as indicated in 45 CFR 233.20, the county office shall deduct a seventy-five dollar (\$75) work expense disregard for either full-time or part-time employment.

(C) The county office shall deduct the full child or incapacitated adult care expense for all persons as allowed by federal regulations for full-time employment and shall deduct a lesser child or incapacitated adult care expense for all persons employed part time, not to exceed the following maximum allowance:

	Child Less Than	Child Two (2)
Number of Hours Employed	Two (2) Years	Years and Over
Over 129 hours a month	\$200 per child	\$175 per child
129 hours per month or less	\$199 per child	\$174 per child

If the actual child or incapacitated adult care expense incurred is less than the amount allowed above, the actual expense shall be deducted rather than the standard maximum.

(2) The determination of net earned income of self-employed individuals shall be made based upon the greater of the following:

(A) Deduct forty percent (40%) of the gross income, which will be defined as the break-even point and considered as the cost of doing business, plus disregards, as specified in subdivision (1).

(B) Deduct actual expenses as allowed in 45 CFR 233.20 if the individual provides proof of such expenses, plus disregards, as specified in subdivision (1).

(3) Except as restricted under 45 CFR 233.20, the determination of the amount to be allocated from the parent's or caretaker's income to meet the needs of the parent's nonrecipient dependent children under eighteen (18) years of age and the parent's or caretaker's spouse, shall be made as follows:

(A) When the parent is not an AFDC applicant or recipient and their spouse has no income:

(i) determine the amount of the parent's gross income, and:

(AA) if earned, deduct all applicable work related expenses as specified in subdivisions (1) through (2);
or

(BB) if unearned, deduct only mandatory withholdings, if any;

(ii) determine a standard of need for the nonrecipients according to section 3.1 of this rule, including the parent, the parent's spouse, and the parent's children under eighteen (18) years of age who live with the parent and who have not been excluded from AFDC participation due to sanctions for noncompliance with child support program requirements under 45 CFR 232.11, as revised and effective on October 1, 1991, (not including secondary Code of Federal Regulations citations therein) and 45 CFR 232.12, as revised and effective on October 1, 1991, (not including secondary Code of Federal Regulations citations therein) work and training program requirements under 45 CFR 250.30, as revised and effective on October 1, 1991, and 470 IAC 10.1-1-2, or enumeration requirements under 45 CFR 205.52;

- (iii) subtract item (ii) from item (i); and
 - (iv) the remainder will be counted as income to the AFDC unit for all determinations required by state and federal statute and regulations.
- (B) When the AFDC child's nonparent caretaker is not an AFDC applicant or recipient, the income of the nonparent caretaker is not to be considered in the financial eligibility determination.
- (C) If the parent or caretaker is an AFDC applicant or recipient and the parent's or caretaker's spouse has no income:
- (i) determine the amount of the parent's gross earned and unearned income;
 - (ii) determine a standard of need for the parent's or caretaker's nonrecipient dependents according to section 3.1 of this rule, including the parent's or caretaker's spouse and dependent children under eighteen (18) years of age who live with the parent or caretaker and who have not been excluded from participation due to sanctions for noncompliance with child support program requirements under 45 CFR 232.11, as revised and effective on October 1, 1991, (not including secondary Code of Federal Regulations citations therein) and 45 CFR 232.12, as revised and effective on October 1, 1991, (not including secondary Code of Federal Regulations citations therein) work and training program requirements under 45 CFR 250.30, as revised and effective on October 1, 1991, and 470 IAC 10.1-1-2, or enumeration requirements under 45 CFR 205.52;
 - (iii) subtract item (ii) from item (i);
 - (iv) the remainder will be counted as income in determining the eligibility of the AFDC or medical assistance;
 - (v) if eligible, determine the parent's or caretaker's gross income, and:
 - (AA) if earned, deduct all applicable work related expenses according to subdivisions (1) through (2); or
 - (BB) if unearned, deduct only mandatory withholdings;
 - (vi) determine a standard of need for the parent's or caretaker's nonrecipient dependents according to section 3.1 of this rule, including the parent's or caretaker's spouse and dependent children under eighteen (18) years of age who live with the parent or caretaker and who have not been excluded from participation due to sanctions for noncompliance with child support program requirements under 45 CFR 232.11, as revised and effective on October 1, 1991, (not including secondary Code of Federal Regulations citations therein) and 45 CFR 232.12, as revised and effective on October 1, 1991, (not including secondary Code of Federal Regulations citations therein) work and training program requirements under 45 CFR 250.30, as revised and effective on October 1, 1991, and 470 IAC 10.1-1-2, or the enumeration requirements under 45 CFR 205.52;
 - (vii) subtract item (vi) from item (v); and
 - (viii) the remainder will be counted as income in determining the amount of the AFDC payment for the AFDC group.
- (D) If the parent or caretaker is an AFDC applicant or recipient and the parent's or caretaker's spouse living in the home has insufficient income to meet his or her needs and the needs of all nonrecipient dependents according to 45 CFR 233.20, the county office shall:
- (i) determine the amount of the spouse's countable income as in subdivisions (1) through (2);
 - (ii) determine a standard of need according to section 3.1 of this rule for the spouse's nonrecipient dependent children under eighteen (18) years of age living in the home;
 - (iii) subtract item (ii) from item (i) and any income following this step will be used to determine the amount of income, if any, that may be allocated to the spouse from the parent's or caretaker's income;
 - (iv) determine a standard of need according to section 3.1 of this rule for the spouse, any common nonrecipient children under eighteen (18) years of age, and any of the parent's or caretaker's nonrecipient children under eighteen (18) years of age who are living in the home and have not been excluded from participation due to sanctions for noncompliance with child support program requirements under 45 CFR 232.11, as revised and effective on October 1, 1991, (not including secondary Code of Federal Regulations citations therein) and 45 CFR 232.12, as revised and effective on October 1, 1991, (not including secondary Code of Federal Regulations citations therein) work and training program requirements under 45 CFR 250.30, as revised and effective on October 1, 1991, and 470 IAC 10.1-1-2, or enumeration requirements under 45 CFR 205.52;
 - (v) subtract item (iv) from income remaining after item (iii);
 - (vi) if there is sufficient or excess income after item (v), income of the parent or caretaker shall not be allocated;
 - (vii) if there is sufficient income to meet the standard of need determined for those persons in item (iv), an amount equal to the deficit determined in item (v) shall be allocated from the income of the parent or caretaker;

and

(viii) the remainder will be counted as income in determining the amount of the AFDC payment for the AFDC group.

(4) Assistance provided by a township trustee or other agency who provides in-kind assistance based on need through vendor payments shall be disregarded as income to the AFDC group.

(5) The determination of the amount to be deducted from income received by a member of an AFDC group who is attending an educational institution, a vocational rehabilitation program, or a technical training program as an undergraduate student from a grant, loan, scholarship, or fellowship, other than that excluded by federal regulation, shall be made as follows:

(A) When the nonexempt educational income is received in combination with exempt educational income, deduct the following expenses from the exempt educational income:

(i) The actual cost of tuition, mandatory books, and fees.

(ii) The actual cost of transportation not to exceed the amount per mile allowed by the Internal Revenue Service.

(iii) The actual cost of child care in accordance with subdivision (1)(C), substituting the number of classroom hours for the number of hours of employment.

Any exempt educational income remaining shall be totally disregarded in accordance with 45 CFR 233.20.

(B) When the exempt educational income is not sufficient to fully meet the expenses as outlined in clause (A), any remaining expenses shall be deducted from the nonexempt educational income. The remainder, if any, shall be prorated over the number of months it was designed to cover and counted as income.

(C) Nonexempt educational income not received directly by, or made available to, a member of an AFDC group shall be totally disregarded in accordance with 45 CFR 233.20.

(6) A loan shall be totally disregarded as income, providing there is a verified repayment schedule in effect.

(7) The following shall be totally disregarded as income in determining the eligibility for, and amount of, an AFDC payment:

(A) Tax refunds.

(B) Home energy assistance administered or funded by the division.

(C) Job Training Partnership Act income to the maximum extent allowed under 45 CFR 233.20.

(D) The value of the monthly food stamp coupon allotment.

(E) Contributions from a supplemental security income recipient in the household.

(F) Earned income of an AFDC child who is a full-time student to the maximum extent allowed under 45 CFR 233.20.

(G) The first thirty dollars (\$30) of all infrequent and inconsequential contributions received by an individual during a calendar quarter. Inconsequential contributions are those cash or in-kind contributions valued at thirty dollars (\$30) or less. Infrequent contributions are those which occur less frequently than once a month. Contributions are presumed to be the income of the person who receives the contribution unless that person states that the contribution was intended for the benefit of others. The beneficiary's proportionate share is considered as the income of that person.

(H) Earned income tax credit.

(c) The earned income of individuals sanctioned because of failure to cooperate with child support, enumeration, IMPACT, or medical assignment requirements will be subject to all deductions and disregards under 45 CFR 233.20(a)(11), as revised and effective on October 1, 1991, (not including tertiary Code of Federal Regulations citations resulting therefrom) excluding the thirty dollars (\$30) plus one-third (1/3) disregard. (*Division of Family and Children; 470 IAC 10.1-3-4; filed Mar 1, 1984, 2:33 p.m.: 7 IR 1046, eff Apr 1, 1984; filed Sep 24, 1984, 10:44 a.m.: 8 IR 54; filed Apr 10, 1985, 2:22 p.m.: 8 IR 984; filed Oct 10, 1986, 2:15 p.m.: 10 IR 225; filed Jul 16, 1987, 3:30 p.m.: 10 IR 2659; filed Apr 5, 1990, 2:00 p.m.: 13 IR 1391; filed May 2, 1990, 5:00 p.m.: 13 IR 1711; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1812; errata filed Apr 12, 1993, 11:00 a.m.: 16 IR 2189; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-3-4.1 Parents of minor caretaker

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 4.1. (a) As used in this section, "dependent child" means a child under eighteen (18) years of age living in the home of the parent.

(b) As used in this section, "common children" means the children of the parent and the spouse.

(c) When determining eligibility and the amount of the assistance payment when one (1) parent of minor caretakers with a

spouse living with the minor parent, the county office shall make the following computations to establish income for the assistance group:

- (1) Determine the parent's total gross countable income.
- (2) Deduct seventy-five dollars (\$75), if earnings.
- (3) Deduct child support paid, if any.
- (4) Deduct the need standard for any noncommon children.
- (5) Deduct an amount equal to the verified unmet need of the spouse and any common children.
- (6) Determine the spouse's available income under 45 CFR 233.20, as revised and effective on October 1, 1991, (not including tertiary Code of Federal Regulations citations resulting therefrom). If the spouse does not provide verification of income, the county office shall not make an allocation to the spouse or common children.

(d) When determining eligibility and the amount of the assistance payment when one (1) parent of minor caretakers without a spouse living with the minor parent, the county office shall make the following computations to establish the income for the assistance group:

- (1) Determine the parent's total gross countable income.
- (2) Deduct seventy-five dollars (\$75), if earnings.
- (3) Deduct child support paid, if any.
- (4) Deduct the need standard for the parent and any other dependent children.

(e) When determining eligibility and the amount of the assistance payment when two (2) parents of minor caretakers, the county office shall make the following computations to establish the income for the assistance group:

- (1) Determine each parent's total gross countable income.
- (2) Deduct from each, seventy-five dollars (\$75), if earnings.
- (3) Deduct from each, child support paid, if any.
- (4) Deduct from each, the needs of the children not in common with the spouse.
- (5) Add the net income of the two (2) parents together.
- (6) Subtract an amount equal to the need standard of the two (2) parents and their dependent children in common.

(f) The county office shall not allocate the parent's income to any supplemental security income recipient. (*Division of Family and Children; 470 IAC 10.1-3-4.1; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1815; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-3-5 Good cause for terminating employment, reducing earnings, or refusing a bona fide offer of employment

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5
Affected: IC 12-14

Sec. 5. Good cause for an assistance to families with dependent children recipient's terminating employment, reducing earnings, or refusing a bona fide offer of employment exists if:

- (1) the recipient has a verified physical or mental incapacity;
- (2) the recipient's presence in the home is required due to the verified illness of a family member;
- (3) the recipient's presence in the home is required because adequate care of a dependent child or incapacitated adult receiving assistance to families with dependent children is unavailable; or
- (4) the recipient did so to engage in a course of action which was reasonably expected to result in a more lucrative employment opportunity. Verification of the more lucrative employment opportunity must be provided by the recipient.

(*Division of Family and Children; 470 IAC 10.1-3-5; filed Mar 1, 1984, 2:31 pm: 7 IR 1024, eff Apr 1, 1984; filed Aug 26, 1987, 11:00 am: 11 IR 89; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-3-6 Nonrecurring lump sum income; treatment

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5
Affected: IC 12-14

Sec. 6. (a) Income is the revenue received by a member of the AFDC assistance group, a nonrecipient parent, or a stepparent living in the home within a calendar month.

(b) Nonrecurring income is income which is not expected to be received again by a member of the assistance group, a

nonrecipient parent, or a stepparent living in the home.

(c) Nonrecurring income received by a nonrecipient parent or stepparent will not be considered as lump sum income; however, it will be considered as income in the month of receipt, subjected when applicable to subsection (d).

(d) The nonrecurring income received in a lump sum payment by a member of an AFDC assistance group will not be considered as income when the payment is any of the following:

(1) Received as a result of a settlement or judgment due to the injury or death of a member of the AFDC assistance group or the nonrecipient parent or stepparent living in the home who is not a member of the AFDC assistance group, and the money is used to pay any of the following:

(A) Incurred medical expenses.

(B) Incurred legal fees.

(C) Funeral and burial expenses for any member of the AFDC group, the nonrecipient parent or stepparent, or their dependents.

(2) Received as compensation for replacement of lost, stolen, damaged, or destroyed real or personal property excluded as a resource under section 1 of this rule.

(3) Received as an inheritance by a beneficiary and is used for the burial expenses of the deceased benefactor.

(4) A federal or state income tax refund.

(5) A refunded security deposit paid on rental property or utilities.

(6) Deposited in a guardianship account.

(7) Property or funds received resulting from a dissolution of marriage.

(e) Nonrecurring lump sum income, received by a member of an AFDC assistance group, except as exempted in subsection (d), shall be considered as income to the group in the month of receipt and budgeted in accordance with 45 CFR 233.20 to determine the group's eligibility.

(f) When, as provided for in 45 CFR 233.20, receipt of nonrecurring, nonexempt lump sum income by a member of the AFDC assistance group results in the ineligibility of the assistance group for a specified period of time, the period of ineligibility will be shortened if any of the following occurs:

(1) The applicant seeking to shorten the period of ineligibility declares, under oath, that the income was used, prior to the onset of life-threatening circumstances, as defined in subsection (g), to meet essential needs and the remaining income has been or will be expended, in part or in full, in connection with these life-threatening circumstances, and the assistance group currently has no other income or resources sufficient to meet these life-threatening circumstances.

(2) An event, as defined in subsection (h), occurs which, had the family been receiving assistance for the month of the occurrence, would result in a change in the amount of assistance payable for such month.

(3) The income received has become unavailable to the members of the family for reasons beyond their control, as defined in subsection (i).

(4) The family incurs, becomes responsible for, and pays medical expenses, as defined in subsection (j).

(g) For the purposes of determining the shortened period of ineligibility, life-threatening circumstances are as follows:

(1) Emergency or other necessary medical care for any member of the formerly eligible AFDC assistance group, the stepparent, or their dependents.

(2) Replacement of lost, stolen, damaged, or destroyed real or personal property excluded as a resource under section 1 of this rule.

(h) For the purpose of determining the shortened period of ineligibility, an event is anything that would increase the formerly eligible AFDC assistance group's standard of need.

(i) For the purpose of determining the shortened period of ineligibility, "reasons beyond their control" means anything that would not be the deliberate act of the formerly eligible AFDC assistance group resulting in the depletion of the lump sum income.

(j) For the purpose of determining the shortened period of ineligibility, "medical expenses" means any medical expenses incurred by the formerly eligible AFDC assistance group, nonrecipient parents, and nonrecipient stepparents. (*Division of Family and Children; 470 IAC 10.1-3-6; filed Mar 1, 1984, 2:33 p.m.: 7 IR 1048, eff Apr 1, 1984; filed Apr 10, 1985, 2:22 p.m.: 8 IR 987; filed May 2, 1990, 5:00 p.m.: 13 IR 1714; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1815; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4. Monthly Reports (Repealed)

(Repealed by Division of Family and Children; filed May 2, 1990, 5:00 p.m.: 13 IR 1715)

Rule 5. Payment of Assistance

470 IAC 10.1-5-1 Payment of assistance

Authority: IC 12-13-14-2

Affected: IC 12-13-14; IC 12-14-2-14

Sec. 1. (a) TANF assistance shall only be awarded to an eligible dependent child under eighteen (18) years of age and to the following eligible person with whom the child resides:

- (1) The parent.
- (2) The spouse of the child's physically or mentally incapacitated parent.
- (3) Other caretaker relative who requests assistance.

(b) Refugee assistance shall only be awarded to a refugee, as defined in 8 U.S.C. 1101(a)(42), who is eligible for monetary payments under the applicable provisions of 45 CFR 400, Subpart E.

(c) Except as provided in either of the following, a warrant shall be issued by the state auditor's office to the recipient at his or her actual residence or mailing address as follows:

(1) On and after the date an EBT program is implemented in a county, TANF assistance or refugee assistance shall be issued to eligible recipients in that county through an EBT system as described in IC 12-13-14. The county office or EBT contractor will issue to or on behalf of the recipient an EBT card that will enable the recipient to receive any available assistance for which the recipient is eligible. After a recipient receives an EBT card, a warrant will not be issued to that recipient, except as described in subdivision (2).

(2) If the division determines that:

- (A) the EBT system is or has been inoperative in all or a substantial part of a county; and
- (B) the unavailability of the system is causing or may cause a significant hardship to eligible recipients in that county who are unable to access their cash assistance;

the division may authorize the state auditor or other entity designated by the division to issue warrants to eligible recipients. Warrants will be issued pursuant to this subdivision not later than ten (10) calendar days after receipt of notice of the authorization. A single warrant will be issued to the recipient pursuant to any authorization under this subdivision, in an amount not exceeding the remaining undistributed cash assistance, if any, as determined by the division, for the recipient's current benefit period.

(d) If the recipient has a legal guardian, the warrant or EBT card may be issued in the name of the recipient and mailed or provided to the guardian. If the recipient has a protective payee, the warrant or EBT card shall be issued in the name of the protective payee and mailed or provided to the payee.

(e) TANF assistance or refugee assistance shall be issued to an eligible recipient monthly, according to an availability date schedule determined by the division, beginning with the first calendar month after the application for assistance is filed. If the application is filed on the first day of a thirty-one (31) day month, a prorated assistance amount shall be issued for one (1) day of that month.

(f) Issuance of the warrant or EBT card is made to an individual other than the eligible recipient when any of the following occurs:

- (1) The recipient payee is subject to:
 - (A) the program penalties specified in 45 CFR 232.11, 45 CFR 232.12, or 45 CFR 250.34, (as those regulations were in effect immediately before their repeal); or
 - (B) payment restrictions specified in 45 CFR 233.107.

(2) The recipient payee exhibits a clear inability to manage money.

(3) The recipient payee makes a written request for protective payment.

(g) If the recipient is eligible to receive food stamp assistance pursuant to 7 CFR 274.12 and 470 IAC 6-6, the county office or EBT contractor may, if authorized by the division, issue a single EBT card to be used for both food stamp and cash assistance.

(h) The county office or EBT contractor will notify the recipient of the availability date for cash assistance.

(i) In lieu of issuance of cash assistance through the EBT program, the division may elect to issue the assistance by direct deposit to a checking or savings account that a recipient maintains in a financial institution if the recipient requests this method of payment by application to the county office. (*Division of Family and Children; 470 IAC 10.1-5-1; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1025, eff Apr 1, 1984; filed Aug 26, 1987, 11:00 a.m.: 11 IR 90; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1816; filed Mar 23, 2000,*

4:57 p.m.: 23 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 10.1-5-2 Recovery of incorrect payments

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. (a) As required by 45 CFR 233.20, when recovery of an incorrect payment is made from a recipient's assistance to families with dependent children payment, the assistance unit shall retain in the payment month an amount equal to ninety percent (90%) of the amount of the assistance to families with dependent children payable to a family of the same size which has no income.

(b) As required by 45 CFR 233.52, good cause for an alien sponsor's failure to provide correct information regarding his income and resources is limited to the legal incompetence of the sponsor at the time the information was provided to the county department.

(c) When an underpayment of benefits to a unit has been established and a member of the unit is obligated to repay AFDC benefits which were issued to him in error, the amount of the underpaid benefit total shall be credited against the AFDC indebtedness before any monies are paid directly to the unit as a result of the underpayment. (*Division of Family and Children; 470 IAC 10.1-5-2; filed Mar 1, 1984, 2:31 pm: 7 IR 1025, eff Apr 1, 1984; filed Aug 26, 1987, 11:00 am: 11 IR 90; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-5-3 Replacement of lost or stolen electronic benefit transfer cards

Authority: IC 12-13-14-2

Affected: IC 12-13-14

Sec. 3. The division will replace lost, stolen, or damaged EBT cards, in accordance with the procedure described in 470 IAC 6-6-2. 470 IAC 6-6-2(d) applies if the recipient does not have a cash assistance credit in the EBT system in an amount equal to or exceeding the applicable replacement card fee. (*Division of Family and Children; 470 IAC 10.1-5-3; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-5-4 Replacement of lost or stolen warrants

Authority: IC 12-13-7-5; IC 12-13-14-2

Affected: IC 12-14-2

Sec. 4. Whenever a recipient of cash assistance notifies a county office of the loss or theft of his or her warrant, the county office shall do the following:

(1) Request the auditor of state to issue a stop-payment order and request a replacement warrant within two (2) working days of the notification from the recipient of loss or theft.

(2) Inform the recipient that he or she must complete and sign an affidavit at the county office before a replacement warrant will be issued or delivered and that failure to execute the affidavit immediately will delay issuance of the replacement warrant.

(3) Inform the recipient of the right to appeal to the division if a replacement warrant is not issued and delivered, or made available for delivery upon receipt of the signed affidavit, within ten (10) working days after the date the recipient notifies the county office of the loss or theft.

(*Division of Family and Children; 470 IAC 10.1-5-4; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-5-5 Suspension and expungement of cash assistance

Authority: IC 12-13-14-2

Affected: IC 12-13-14; IC 12-14-2

Sec. 5. (a) The division will establish a time schedule during which a recipient may withdraw available assistance through the EBT program, and times when available assistance that the recipient has not withdrawn will be suspended or expunged.

(b) The county office will notify recipients of the time and procedure or suspension or expungement of available assistance, any retention of available assistance off-line, and the procedure for reactivating suspended accounts, as part of required recipient

training at the time the initial certification period is established and at the time of recertification. (*Division of Family and Children; 470 IAC 10.1-5-5; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-5-6 Participation of retailers and processors in electronic benefit transfer system

Authority: IC 12-13-14-2; IC 12-13-14-4.5

Affected: IC 12-13-14-4.5

Sec. 6. (a) An EBT contractor may, on behalf of the division, contract with any retailer for distribution of available assistance through automated teller machine (ATM) or point of sale (POS) terminals owned or operated by the retailer, at a business location where the retailer sells or transfers property or provides or performs services to consumers.

(b) The business location of the retailer at which distribution of available assistance is authorized shall be a facility or establishment that is not described in IC 12-13-14-4.5(c).

(c) An EBT contractor may, on behalf of the division, contract with any processor that participate [*sic.*, *participates*] in operation of the EBT program in Indiana, on behalf of one (1) or more retailers.

(d) Each contract shall be in a form approved by the division as a standard contract for a participating retailer or processor. The contract may incorporate by reference operational standards or rules applicable to operation of the EBT program in Indiana.

(e) A retailer may limit the amount of available assistance that an eligible recipient may withdraw through the retailer's ATM or POS terminals in a manner that is not more restrictive than the limit on cash payments that the retailer provides to customers who are nonrecipients.

(f) The division will not provide equipment to a processor or retailer for distribution of cash assistance. (*Division of Family and Children; 470 IAC 10.1-5-6; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-5-7 Termination of contracts

Authority: IC 12-13-14-2

Affected: IC 12-13-14

Sec. 7. (a) The division may at any time request an EBT contractor to terminate the contract of any participating retailer or processor, in the discretion of the division, with or without cause, effective upon receipt of notice of termination or at any later time state [*sic.*, *stated*] in the notice.

(b) A retailer or processor does not have a property interest in any contract for distribution of cash assistance pursuant to this rule.

(c) Termination of a contract with a participating retailer that is a food retailer does not terminate the authorization for the food retailer to distribute food stamp assistance pursuant to 470 IAC 6-6, if the retailer continues to be a qualified food retailer after the effective date of termination. (*Division of Family and Children; 470 IAC 10.1-5-7; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-5-8 Notices to recipients at excluded establishments

Authority: IC 12-13-14-4.5

Affected: IC 12-13-14-4.5

Sec. 8. (a) The owner or operator of any establishment described in IC 12-13-14-4.5(c) at which an automated teller machine (ATM) or point of sale (POS) terminal is located shall be responsible for posting the sign containing notice that the ATM or POS terminal may not be used for distribution of TANF assistance or refugee assistance, as required by IC 12-13-14-4.5(d).

(b) The sign shall be posted in a prominent location not more than eighteen (18) inches from the ATM or POS terminal and shall contain the following statement, in letters not less than one-fourth ($\frac{1}{4}$) inch in height, "Indiana law, IC 12-13-14-4.5, prohibits the use of an Indiana Hoosier Works EBT card at this machine to access TANF or refugee benefits."

(c) The following shall have no responsibility for enforcement of compliance with this section or IC 12-13-14-4.5(d):

(1) The division.

(2) A county office.

(3) Any office, agency, unit, body, officer, employee, or agent of the Indiana family and social services administration established under IC 12.

(4) The EBT contractor.

(5) The owner or operator of an ATM or POS terminal located in an establishment described in IC 12-13-14-4.5(c) if the person is not the owner or operator of the establishment.

(Division of Family and Children; 470 IAC 10.1-5-8; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 10.1-5-9 Retailer transaction fees payable by division

Authority: IC 12-13-14-2

Affected: IC 12-13-14-12

Sec. 9. (a) If any transaction fee is payable by the division to a participating retailer for use of a point of sale (POS) terminal owned or operated by the participating retailer for a transaction in which cash assistance is distributed to an eligible recipient, the fee shall be established, reviewed, and revised by the division in accordance with IC 12-13-14-12.

(b) A transaction fee, if applicable, may be modified or terminated by the division in accordance with IC 12-13-14-12 for future EBT program transactions, by notice to participating retailers in a manner determined by the division, at any time during the term of a retailer contract, without approval or consent of the participating retailer.

(c) Any transaction fee established by the division pursuant to IC 12-13-14-12 for use of a POS terminal shall be applicable to all participating retailers on an equal and uniform basis. *(Division of Family and Children; 470 IAC 10.1-5-9; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1999; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 6. Burial Expenses

470 IAC 10.1-6-1 Payment of burial expenses

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14-6

Sec. 1. (a) For the purpose of implementing IC 12-14-6, a recipient of AFDC is that person for whom:

(1) the recommendation to grant assistance was approved by the county director of the county office prior to, or on, the date of the person's death; or

(2) the recommendation to grant assistance is approved by the county director of the county office after the date of the person's death and the deceased was eligible on the date of death.

(b) The county office shall pay for the cost of the deceased recipient's burial expenses subject to the following limitations:

(1) Payment will be made only to the funeral director or cemetery representative upon submission of a completed claim form prescribed by the division.

(2) Payment shall not be made to a funeral director who submits a claim for cemetery expenses unless the director attaches proof to the claim that the director is the cemetery representative or has been designated the cemetery representative.

(3) In determining the amount to be paid by the county office to the funeral director, contributions paid and payments made or available from the estate of the deceased recipient in excess of the exclusion provided by IC 12-14-6 shall be subtracted from the statutory maximum. The balance of the unpaid expenses, up to the statutory maximum, shall be paid by the county office.

(4) In determining the amount to be paid by the county office to the cemetery representative, contributions paid and payments made or available from the estate of the deceased recipient in excess of the statutory exclusion shall be subtracted from the statutory maximum. The balance of the unpaid expenses, up to the statutory maximum, shall be paid by the county office.

(c) This rule becomes effective September 1, 1985. *(Division of Family and Children; 470 IAC 10.1-6-1; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1026, eff Apr 1, 1984; filed Aug 2, 1985, 2:39 p.m.: 8 IR 2024, eff Sep 1, 1985; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1817; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 7. Eligibility of 18-21 Year Old

470 IAC 10.1-7-1 Eligibility of 18 to 21 year old (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818)*

470 IAC 10.1-7-2 Supplemental security income recipients; determination of Medicaid eligibility (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818)*

470 IAC 10.1-7-3 Medicaid eligibility for pregnant women (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Aug 26, 1987, 11:00 am: 11 IR 90)*

470 IAC 10.1-7-4 Medicaid eligibility for pregnant women; unemployed parent (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Aug 26, 1987, 11:00 am: 11 IR 90)*

Rule 8. Child Support Collection (Repealed)

(Repealed by Division of Family and Children; filed Aug 26, 1987, 11:00 am: 11 IR 90)

Rule 9. AFDC-UP Demonstration Project (Repealed)

(Repealed by Division of Family and Children; filed Oct 3, 1990, 1:44 p.m.: 14 IR 274, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #90-72 was filed Oct 3, 1990.]

Rule 10. Assistance to Families with Dependent Children-Unemployed Parent (AFDC-UP)

470 IAC 10.1-10-1 AFDC-UP eligibility

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 1. (a) The assistance to families with dependent children-unemployed parent (AFDC-UP) program is available in every county to families with a dependent child in which the principal wage earner is unemployed as defined in 45 CFR 233.100 and who meet all assistance to families with dependent children (AFDC) requirements.

(b) The principal wage earner is the parent, in a two (2) parent family unit, who has earned the greater amount of income in the twenty-four (24) months prior to the month of application or, if both parents earned an equal amount of income, the parent designated as principal wage earner by the parents.

(c) Once determined eligible, the family unit may continue to receive assistance so long as they meet all eligibility requirements.

(d) When the family unit consists of children who qualify for AFDC-UP in addition to children who qualify for AFDC, the family's eligibility and assistance payment is determined by including all eligible family members in the AFDC-UP assistance unit.

(e) The employment and training participation requirements, exemptions, and sanctions specified in 45 CFR 250.30 through 45 CFR 250.36 shall apply to both parents receiving AFDC-UP. *(Division of Family and Children; 470 IAC 10.1-10-1; filed Oct 3, 1990, 1:44 p.m.: 14 IR 274, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #90-72 was filed Oct 3, 1990.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 11. Child Care

470 IAC 10.1-11-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 1. (a) As used in this rule, "child care" means a service that provides for the care, health, safety, and supervision of a

child's social, emotional, and educational growth.

(b) As used in this rule, "dependent child" means an individual who meets the conditions of 45 CFR 255.2(a), as revised and effective on October 1, 1991, for purposes of guaranteed child care or 45 CFR 256.2(a), as revised and effective on October 1, 1991, for purposes of transitional child care.

(c) As used in this rule, "guaranteed child care" means child care provided to an assistance group in accordance with 45 CFR 255, as revised and effective on October 1, 1991, (not including tertiary Code of Federal Regulations citations resulting therefrom).

(d) As used in this rule, "transitional child care" means child care provided to an assistance group in accordance with 45 CFR 256, as revised and effective on October 1, 1991, (not including tertiary Code of Federal Regulations citations resulting therefrom). (*Division of Family and Children; 470 IAC 10.1-11-1; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1817; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-11-2 Eligibility for guaranteed child care

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. (a) The AFDC assistance group may receive guaranteed child care benefits under the following circumstances:

(1) A participating member of the assistance group is employed and chooses to receive guaranteed child care in lieu of the dependent care disregard.

(2) A participating member is taking part in an IMPACT approved training or educational activity.

(3) A participating member is in a non-IMPACT, self-initiated training or educational program and is making satisfactory progress as determined by the school or administration.

(b) The assistance group may not receive, concurrently, both guaranteed child care and the earned income disregard for a dependent child.

(c) Guaranteed child care shall not be paid for a child of an assistance group member as described in subsection (a)(1) during any interruption in employment of the assistance group member. (*Division of Family and Children; 470 IAC 10.1-11-2; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-11-3 Application for transitional child care

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 3. (a) An application for transitional child care shall be completed on the form prescribed by the county office and must contain the applicant's name and signature.

(b) An application that does not meet the requirements of this section shall not be acted upon by the county office.

(c) An applicant may use an authorized representative to apply for transitional child care, to represent the applicant in all interviews, and to notify the county office of any changes. The authorization must be in writing, if the representative is not a member of the assistance group. (*Division of Family and Children; 470 IAC 10.1-11-3; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-11-4 Determining income for transitional child care

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 4. The county office shall determine the income for the assistance group in accordance with the budgeting methodology established in this article. (*Division of Family and Children; 470 IAC 10.1-11-4; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 10.1-11-5 Provider payment

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 5. (a) In automated counties, the state auditor shall provide reimbursement for services to the provider of child care after child care has been received by the recipient and after the provider has submitted a claim for payment of services to the county office. In nonautomated counties, the county office shall provide reimbursement.

(b) Payment for child care may be made directly to the recipient when the provider of child care services refuses to accept a vendor payment from the state or county auditor. *(Division of Family and Children; 470 IAC 10.1-11-5; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 12. Fraud Control Program

470 IAC 10.1-12-1 Program established; disqualification procedures

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14

Sec. 1. In accordance with the provisions of 45 CFR 235.112, the state elects to establish and operate an Assistance to Families with Dependent Children fraud control program. The program shall be carried out in accordance with the requirements of 45 CFR 235.112(a) through 45 CFR 235.112(d) and the disqualification hearing procedures under 45 CFR 235.113(a) through 45 CFR 235.113(c), which are incorporated by reference in this rule. *(Division of Family and Children; 470 IAC 10.1-12-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

ARTICLE 11. HOSPITAL CARE FOR THE INDIGENT (REPEALED)

(Repealed by Division of Family and Children; filed Jun 3, 1986, 3:00 pm: 9 IR 2716)

ARTICLE 11.1. HOSPITAL CARE FOR THE INDIGENT

Rule 1. Eligibility Standards

470 IAC 11.1-1-1 Application

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 1. When an application for hospital care for the indigent is filed with any county office of family and children, that county office shall promptly determine the patient's county of residence. If the patient's county of residence is different from the county in which the application was filed, the county office shall promptly forward the application to the county office of family and children of the patient's county of residence. The county office of the patient's county of residence shall promptly determine the patient's eligibility for hospital care for the indigent as required by IC 12-5-6-5 [IC 12-5 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]. *(Division of Family and Children; 470 IAC 11.1-1-1; filed Jun 3, 1986, 3:00 p.m.: 9 IR 2713; filed Oct 3, 1997, 4:50 p.m.: 21 IR 375; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 11.1-1-2 Patient responsibilities; denial of application

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 2. (a) A patient is required to provide all information necessary to determine his eligibility for hospital care for the indigent and report any change in this information which occurs during the eligibility determination to the county office within ten (10) days of the date on which the change occurs.

(b) A patient is required to verify or assist the county office in verifying all information required to determine his eligibility by:

- (1) signing appropriate release of information forms required to obtain verification of information provided to the county office; or
- (2) obtaining and providing to the county office documentation which verifies information required to determine his

eligibility.

(c) If a patient fails or refuses to provide the county office information or verification of information required to determine his eligibility for hospital care for the indigent, he shall be ineligible for assistance and his application shall be denied.

(d) Prior to denying an application under this section, the county office must provide the patient written notice of the specific information or verification needed to determine eligibility and written notice of the date on which the application will be denied if the information or verification is not provided within ten (10) days of the date of the notice. (*Division of Family and Children; 470 IAC 11.1-1-2; filed Jun 3, 1986, 3:00 p.m.: 9 IR 2714; filed Oct 3, 1997, 4:50 p.m.: 21 IR 375; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 11.1-1-3 Monthly eligibility determination

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 3. Eligibility for hospital care for the indigent is determined on a calendar month basis. If covered services extend over more than one month, a separate eligibility determination is required for each month. (*Division of Family and Children; 470 IAC 11.1-1-3; filed Jun 3, 1986, 3:00 pm: 9 IR 2714; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 11.1-1-4 Definition of household members

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16-3-1

Sec. 4. (a) For purposes of determining eligibility for hospital care for the indigent, household members are the patient and the following individuals who live with the patient:

- (1) The patient's spouse.
- (2) The patient's biological, adoptive, and stepchildren under eighteen (18) years of age.
- (3) The patient's biological, adoptive, or stepparents if the patient is under eighteen (18) years of age.
- (4) The patient's biological, adoptive, or stepsiblings under eighteen (18) years of age if the patient is under eighteen (18) years of age.

(b) The following individuals are excluded from the definition of household member:

- (1) Any child whose income, as determined under section 5 of this rule, equals or exceeds one hundred sixty-four dollars (\$164).
 - (2) The stepparent of the patient under eighteen (18) years of age if the stepparent's income, as determined under section 5 of this rule, equals or exceeds one hundred sixty-four dollars (\$164), or if the natural parent does not live in the household.
- (*Division of Family and Children; 470 IAC 11.1-1-4; filed Jun 3, 1986, 3:00 p.m.: 9 IR 2714; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2779; filed Oct 3, 1997, 4:50 p.m.: 21 IR 375; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 11.1-1-5 Income determination

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16-3-1

Sec. 5. (a) Income is all money received by the household members in the month of hospitalization subject to subsection (b).

(b) Income received on a quarterly, semiannual, or annual basis shall be divided by the appropriate number of months to establish monthly income.

(c) Countable income is gross monthly income less the following exclusions:

- (1) Supplemental security income of the patient is excluded.
- (2) Fifteen dollars and fifty cents (\$15.50) is deducted from the income of the patient.
- (3) Funds from a grant, scholarship, or fellowship, which are designated for tuition and mandatory books and fees at an educational institution or for vocational rehabilitation or technical training purposes, shall be deducted from the total of such funds.
- (4) All of the earned income of a child under fourteen (14) years of age is excluded.
- (5) Home energy assistance is excluded.

- (6) The deductions allowed by the Internal Revenue Service are excluded from gross self-employment income.
- (7) The deductions allowed by the Internal Revenue Service are excluded from gross rental income, with the following exceptions:
 - (A) Depreciation.
 - (B) Payments on the mortgage principal.
 - (C) Personal expenses of the owner.
 - (D) Insurance to pay off the mortgage in the event of death or disability.
 - (E) Capital expenditures.
- (8) Tax refunds are excluded as income and shall be considered personal property under section 6 of this rule.
- (9) Net earned income is determined by deducting sixty-five dollars (\$65) plus one-half (½) of the remainder from gross earned income. Any part of the exclusion allowed in subdivision (2), which has not been deducted from unearned income, shall be deducted from gross earned income prior to the determination of net earned income.
- (10) A loan shall not be considered as income in the month of receipt if the written or verbal loan agreement is legally binding under state law and includes the following:

- (A) The borrower's acknowledgment of an obligation to repay.
- (B) A timetable and plan for repayment.
- (C) The borrower's expressed intent to repay either by pledging real or personal property or anticipated income.

(d) If the countable income, as determined in subsection (c), of the household members exceeds the monthly income standard as set forth in this subsection, the patient is ineligible for hospital care for the indigent.

Household Size	Maximum Monthly Income
1	\$ 522
2	\$ 703
3	\$ 884
4	\$1,066
Each additional household member	\$ 182

(Division of Family and Children; 470 IAC 11.1-1-5; filed Jun 3, 1986, 3:00 p.m.: 9 IR 2714; filed Dec 4, 1989, 4:40 p.m.: 13 IR 629; errata filed Jun 20, 1990, 4:10 p.m.: 13 IR 2005; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2779; filed Oct 3, 1997, 4:50 p.m.: 21 IR 375; filed Feb 13, 2001, 3:07 p.m.: 24 IR 2090; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 11.1-1-6 Real and personal property ownership; limitations

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3
 Affected: IC 12-16

Sec. 6. (a) Definitions.

- (1) Current market value is the average price that the property will sell for on the open market to a private individual in the particular geographic area involved.
- (2) Equity value is the current value minus the total amount of liens against the property.
- (b) A patient is ineligible for hospital care for the indigent if the total equity value of available nonexempt real and personal property owned by the household members exceeds the applicable limitation as set forth below, during any part of the month of hospitalization.
 - (1) \$1500 for an unmarried patient, or for a patient who does not live with his spouse, including the amount determined in subsection (c) of this section, if applicable; or
 - (2) \$2250 for a married patient and his spouse.
- (c) If the patient is under age eighteen (18) his real and personal property includes the value of his parent's real and personal property in excess of the following exclusions:
 - (1) If the patient lives with one parent \$1500 of the parent's real and personal property is excluded.
 - (2) If the child lives with two parents, \$2250 of the parent's real and personal property is excluded.
- (d) The following real and personal property is exempt from consideration:
 - (1) the home which is the principal residence of the patient;
 - (2) all household goods and personal effects;
 - (3) personal property used to produce food for home consumption or used in the production of income;

(4) the value of life insurance with a total face value of \$1,400 or less if provision has been made for payment of the patient's funeral expenses from the proceeds of such insurance. However, the \$1,400 limitation shall be reduced by any amount in an irrevocable burial trust or irrevocable prepaid funeral agreement;

(5) the value of one motor vehicle per household according to the following provisions:

(A) One motor vehicle is excluded if:

(i) it is necessary for employment;

(ii) it is necessary for the medical treatment of a specific or regular medical problem; or

(iii) it is modified for operation by or transportation of a handicapped person.

(B) If no motor vehicle is excluded under (A) above, \$4500 of the current market value of one (1) motor vehicle is excluded.

(6) real and personal property owned solely by children under age eighteen (18), other than the patient;

(7) real and personal property owned solely by the step-parent of the patient under age eighteen (18);

(8) burial spaces.

(Division of Family and Children; 470 IAC 11.1-1-6; filed Jun 3, 1986, 3:00 pm: 9 IR 2715; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 11.1-1-7 Effective date

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 7. These rules (470 IAC 11.1) are effective for hospitalizations that begin on or after July 1, 1986. *(Division of Family and Children; 470 IAC 11.1-1-7; filed Jun 3, 1986, 3:00 pm: 9 IR 2716; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 2. Hospitalization, Financial Assistance and Covered Services; Patient Data

470 IAC 11.1-2-1 Limitation on the duration of services

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 1. (a) Financial assistance to eligible hospital patients shall not be available to pay any part of the cost of said hospitalization or medical services until the onset of a medical condition that manifested itself by symptoms of sufficient severity that the absence of immediate medical attention would probably result in:

(1) placing the person's life in jeopardy;

(2) serious impairment to bodily functions; or

(3) serious dysfunction of any bodily organ or part.

(b) Financial assistance to eligible hospital patients shall be available, consistent with reasonable medical necessity, until such time as the patient is medically stable and can be safely discharged. Stable means the alleviation of the condition which prompted the hospitalization. *(Division of Family and Children; 470 IAC 11.1-2-1; filed Dec 16, 1986, 3:35 pm: 10 IR 1076, eff Jan 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #86-121 was filed Dec 16, 1986.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 11.1-2-2 Covered hospital services; review and approval

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 2. (a) In-patient and out-patient hospital and physician services, when rendered in a hospital, are covered when such services are medically necessary for the treatment of a medical condition that manifested itself by symptoms of sufficient severity that the absence of immediate medical attention would probably result in:

(1) placing the person's life in jeopardy;

(2) serious impairment to bodily functions; or

(3) serious dysfunction of any bodily organ or part.

(b) A qualified resident of Indiana shall be eligible to receive assistance to pay for any part of the cost of care that is a direct consequence of the medical condition that necessitated the emergency care providing such care is rendered in the hospital. No post-hospital care shall be reimbursable under the hospital care for the indigent program.

(c) Any costs of services rendered by a physician pursuant to the hospital care for the indigent program must conform to the global or single billing concept as defined in 405 IAC 1-7-1 [405 IAC 1-7 was repealed filed Jul 25, 1997, 4:00 p.m.: 20 IR 3365.] and be included in the charges initially incurred by an eligible patient while hospitalized.

(d) Any emergency medical transportation costs reasonably necessary to transport an eligible patient to a hospital for the treatment of a medical condition described in subsection (a), above, shall be reimbursed to said transportation provider if said provider is properly licensed in the state of Indiana to render the transportation service for which he seeks payment. The department shall not pay more to the transportation provider than the prevailing rate in the community for similar service. (*Division of Family and Children; 470 IAC 11.1-2-2; filed Dec 16, 1986, 3:35 p.m.: 10 IR 1077, eff Jan 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #86-121 was filed Dec 16, 1986.]; filed Oct 3, 1997, 4:50 p.m.: 21 IR 376; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 11.1-2-3 Collection of data; recipient profile

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 3. (a) Each county office of family and children shall submit to the division of family and children within sixty (60) days following disposition of patient's application for eligibility, on forms prescribed by the division of family and children, information concerning the patient, which shall include, but not be limited to, the following:

- (1) Name.
- (2) County and state of residence.
- (3) Welfare/SSI status.
- (4) Age.
- (5) Race.
- (6) Sex.
- (7) Household status.
- (8) Employment.
- (9) Household income.
- (10) Reason for care.
- (11) Diagnosis.
- (12) Status of application.

(b) Any provider seeking reimbursement under the above-noted patient's application shall assist the county office of family and children in completing the required forms by submitting that information which is not available to the county office of family and children. (*Division of Family and Children; 470 IAC 11.1-2-3; filed Dec 16, 1986, 3:35 p.m.: 10 IR 1077, eff Jan 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #86-121 was filed Dec 16, 1986.]; filed Oct 3, 1997, 4:50 p.m.: 21 IR 376; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 3. Provider Claims (Repealed)

(*Repealed by Division of Family and Children; filed May 25, 1989, 1:45 p.m.: 12 IR 1862*)

Rule 4. Hospital Care for the Indigent Payment Procedures

470 IAC 11.1-4-1 Claims submissions

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 1. (a) All claims for payment to providers for medical care rendered in the hospital care for the indigent program shall be submitted upon a form or format approved by the division of family and children or its designee.

(b) All "completed" and "approved" claims submitted to the department for hospital admissions occurring in any given state

fiscal year must be postmarked or delivered no later than the thirty-first day of October immediately following the state fiscal year in which the admission occurred or said claim shall be disallowed for reimbursement.

(c) An "approved" claim as used in this rule, means a claim for a period during which the patient has been determined to be financially and medically eligible for the hospital care for the indigent program.

(d) A "completed" claim as used in this rule, means a claim which includes all required information presented timely for payment on forms prescribed by the department.

(e) An "amended" claim as used in this rule, means a claim originally presented timely for payment on forms prescribed by the department, returned to the provider by the department, and subsequently resubmitted in accordance with the department's directives to correct the claim. An "amended" claim not received by the department on or before the deadline set out in subsection (b) shall be subject to the deadline for the following year and shall be treated for purposes of payment as a claim originating in the calendar year in which it is accepted by the department as a "completed" and "approved" claim.

(f) In the event that a provider is precluded from submitting a "completed" claim by the deadline set out in subsection (b) for the reasons set out below, the deadline shall be waived if the provider can demonstrate to the division's reasonable satisfaction one (1) of the following circumstances:

- (1) Division of family and children or county office action which prevented the submission of a "completed" claim by the deadline.
- (2) Continuous, bona fide attempts on the part of the provider to obtain payment from another liable payor.
- (3) An "amended" claim as described in subsection (e).

A cover letter requesting waiver of the deadline, accompanied by appropriate documentation supporting one (1) of the reasons set out in subdivision (1), (2), or (3) must be attached to each claim submitted after the deadline set out in subsection (b).

(g) Claims arising from successful provider or recipient appeals shall be subject to the deadlines and payment schedules set out as follows, in accordance with the date of receipt of the appeal decision:

- (1) Claims arising from favorable appeal decisions received on or before the fifteenth day prior to the deadline for claims originating in the preceding calendar year shall be subject to the deadline for claims originating in the preceding calendar year. Said claims shall be treated for purposes of payment as claims originating in the preceding calendar year.
- (2) Claims arising from favorable appeal decisions received after the fifteenth day prior to the deadline for claims originating in the preceding state fiscal year shall be subject to the deadline for claims originating in the state fiscal year in which the appeal decision is received. Said claims shall be treated for purposes of payment as claims originating in the state fiscal year in which the appeal decision is received.

A cover letter documenting the appeal decision must accompany each claim submitted as a result of a favorable appeal decision. (*Division of Family and Children; 470 IAC 11.1-4-1; filed May 25, 1989, 1:45 p.m.: 12 IR 1860; filed Oct 3, 1997, 4:50 p.m.: 21 IR 377; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 11.1-4-2 Payment of provider claims

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3
 Affected: IC 12-16-7-4

Sec. 2. (a) Upon receipt of the provider's "completed" and "approved" claim, the division or its designee shall pay two-thirds (2/3) of the "allowed rate" for said claim within a reasonable period after receipt thereof subject to the provisions of subsection (c).

(b) An "allowed rate" as used in this rule, means the current rate of reimbursement which a hospital would have received as a Medicaid provider at its "Medicaid interim rate" for having rendered the same service, or that rate of reimbursement which a nonhospital provider would have received as a Medicaid provider for having rendered the same service.

(c) In the event that funds allocated to pay claims for a given state fiscal year are insufficient to pay the two-thirds (2/3) of "completed" and "approved" claims submitted for that state fiscal year, the department's liability for further payment hereunder is limited to the provisions of IC 12-16-7-4(b).

(d) In the event that there are funds available at the end of each state fiscal year, the department shall, to the extent of such available funds, pay each provider a pro rata portion of the one-third (1/3) balance on paid claims at the allowed rate. The formula for such year end payments shall be:

$$\begin{array}{rcccl} \text{Total HCI funds} & \times & \text{Total amount of} & = & \text{Amount paid at} \\ \text{available} & & \text{a provider's} & & \text{fiscal year end} \\ & & \text{unpaid balance} & & \text{to provider} \end{array}$$

Total one-third
(1/3) balance

Note: The numerator shall not exceed the dollar amount represented in the denominator. (*Division of Family and Children; 470 IAC 11.1-4-2; filed May 25, 1989, 1:45 p.m.: 12 IR 1861; filed Oct 3, 1997, 4:50 p.m.: 21 IR 378; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 11.1-4-3 Payment denials; recovery of overpayments

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 3. (a) The division shall deny the payment of any claim or seek the recovery of any improper payment on any claim when the provider or the patient has failed to comply with the requirements of IC 12-5-6 [*IC 12-5 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*], et seq. or any of the rules promulgated thereunder.

(b) The division shall also deny the payment of any claim or seek the recovery of any improper payment on any claim where it is shown that either the provider or the patient has failed to comply with 405 IAC 1-1-4 or 405 IAC 1-1-5.

(c) The division shall also deny payments if the allocated funds for the hospital care for the indigent program are insufficient to meet the otherwise allowed rate as defined in section 2(b) of this rule.

(d) In the event that the division denies a provider's claim, said claim will be returned to the provider within a reasonable period after receipt thereof with an explanation of the reasons for its denial. (*Division of Family and Children; 470 IAC 11.1-4-3; filed May 25, 1989, 1:45 p.m.: 12 IR 1861; filed Oct 3, 1997, 4:50 p.m.: 21 IR 378; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 5. Hospital Care for the Indigent Appeal Procedures

470 IAC 11.1-5-1 Provider and recipient appeals

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-3-3

Affected: IC 12-16

Sec. 1. (a) All appeals of division's adverse actions, by either providers or recipients in the Indiana hospital care for the indigent program, shall be conducted pursuant to 470 IAC 1-4.

(b) The administrative law judge shall determine the scheduling and location of said appeal hearing taking into consideration the needs of all the parties. As provided for in 470 IAC 1-4-3(d), the location of the appeal hearings for applicants or patients shall be in the county of their residence.

(c) The administrative law judge shall provide for an opportunity to hold part or all of the appeal hearing by means of a telecommunication device providing that:

(1) it is requested by a party;

(2) all other parties agree to its use in the manner suggested;

(3) such equipment is available to the administrative law judge whereby a record may be made of such telecommunication hearing or portions thereof; and

(4) the administrative law judge is confident that the use of such telecommunication devices will not compromise the integrity of the evidentiary hearing process in the case which is then pending.

(d) The Indiana division of family and children shall be deemed a party to all administrative appeals filed under this section.

(e) In the event that a patient or applicant requests an administrative appeal hearing, then that individual must file said request pursuant to 470 IAC 1-4-3(b).

(f) In the event that a hospital or other provider requests an appeal hearing, then the hospital or other provider must file said requests pursuant to 470 IAC 1-4-3(c). (*Division of Family and Children; 470 IAC 11.1-5-1; filed May 25, 1989, 1:45 p.m.: 12 IR 1862; filed Oct 3, 1997, 4:50 p.m.: 21 IR 378; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

ARTICLE 12. PRIOR REVIEW OF OFF-SITE MEDICAL SERVICES; DEPARTMENT OF CORRECTION, STATE BOARD OF HEALTH, AND DEPARTMENT OF MENTAL HEALTH

Rule 1. Prior Review and Authorization of Requests for Off-Site Medical Services

470 IAC 12-1-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-15-30; IC 12-16-1

Sec. 1. (a) "Affected agency" means the department of correction, the state board of health or the department of mental health.

(b) "Eligible individual" means any person, other than a Medicaid recipient, who requires medical or dental services while in the custody or care of an affected agency.

(c) "Health facility" means hospital, dispensary, out-patient department, practitioner's office, dental clinic, or other appropriate treatment facility.

(d) "Medical services" means services requested by a physician (M.D. or D.O.) or dentist, including the provision of supplies and use of appropriate health facilities. The term includes medical services or supplies provided by such other licensed practitioners, institutions or suppliers as a physician may specifically prescribe. Transportation services are specifically exempted from this rule [470 IAC 12].

(e) "Covered medical services" means medical services subject to review by the department, hereinabove defined, which are provided to an eligible individual in a health facility or place other than an institution, at a total cost of more than \$150.00. Such services include any medical or dental procedure, or series of such procedures related to a specific diagnosis, illness, injury, condition or syndrome.

(f) "Department" means the state department of public welfare (SDPW).

(g) "Request" means written or telephonic request for approval of medical services in the form and manner specified by the department.

(h) "Institution" means a facility housing, or responsible for, eligible individuals and operating under the jurisdiction of an affected agency.

(i) "SDPW 590 element" means the licensed medical professional staff of the department charged with the responsibility to prior review requests for medical services.

(j) "Emergency services" means those covered medical services which, by their medical nature, do not allow time for formal prior review by SDPW (see section 6 [470 IAC 12-1-6]).

(k) "Off-site services" means medical services delivered by a provider who is outside the administrative jurisdiction of any of the institutions of the affected agencies.

(l) "Prior review" means the professional review by the licensed medical professional staff of the SDPW 590 element, in advance of delivery, of a request for specific covered medical services for eligible individuals.

(m) "590 contractor" means the same fiscal agent with which it contracts under IC 12-1-7-17 [Repealed by Acts 1984, P.L.80, SECTION 10. See IC 12-1-7-17.1], as it provides administrative and fiscal services in support of this rule [470 IAC 12].

(n) "Provider" means a licensed or certified practitioner or institution which provides any medical or dental service, and which is properly enrolled in this program. (Division of Family and Children; 470 IAC 12-1-1; filed Oct 26, 1983, 10:22 am: 7 IR 42; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 12-1-2 Criteria for authorization; procedural manual; private services not precluded

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-16-1

Sec. 2. (a) Pursuant to IC 12-5-7 [IC 12-5 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.], this rule [470 IAC 12] establishes procedures for prior review, and approval, conditional approval or denial, of requests for authorization of covered medical services.

(b) When acting upon requests, the department will consider the diagnosis and clinical summary of the individual, and the nature, duration and cost of the requested services, and will authorize only those that are requested by a physician or dentist and an official of an agency or institution, and are determined by licensed medical personnel of the department to be medically necessary and reasonable. For the purposes of this rule [470 IAC 12], medically necessary and reasonable services are those which medical staff personnel of the SDPW 590 element determine, under the circumstances of each case, to be essential to the restoration or maintenance of physical or mental health.

(c) Each affected agency will be responsible for developing and maintaining a procedures manual which prescribes their policies for processing the request for and delivery of medical services.

(d) This rule [470 IAC 12] does not preclude any medical service from being provided at the expense of persons or entities other than the state of Indiana. (*Division of Family and Children; 470 IAC 12-1-2; filed Oct 26, 1983, 10:22 am: 7 IR 43; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 12-1-3 Request forms

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-16-1

Sec. 3. (a) Requests for medical services must be made on forms specified by the department, using procedures developed by the department.

(b) Request forms shall contain such information as the department deems necessary to implement the provisions of IC 12-5-7 [IC 12-5 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.].

(c) The department is not required to review any request form which is not properly signed and co-signed, and which has not been completed in its entirety. Request forms shall be returned without action if they are incomplete, illegible, or if they bear rubber-stamp; facsimile; machine-drawn, or any other substitute signature. (*Division of Family and Children; 470 IAC 12-1-3; filed Oct 26, 1983, 10:22 am: 7 IR 43; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 12-1-4 Provider agreements

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-16-1

Sec. 4. A licensed provider of medical services may participate under this rule [470 IAC 12] upon signing a provider agreement. This agreement will not obligate the provider to participate in Title XIX of the Social Security Act. Said agreement shall include, among other provisions, assignment of a provider number, standards of provider performance, sanctions for provider abuses, and grounds for cancellation of the provider agreement. (*Division of Family and Children; 470 IAC 12-1-4; filed Oct 26, 1983, 10:22 am: 7 IR 44; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 12-1-5 Review of requests

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-16-1

Sec. 5. The department will review each request, and approve, conditionally approve, or deny same, without unnecessary delay. The department's decision will be made within ten (10) working days after it has received necessary documentation. If the original request is incomplete, or if additional information is required to clarify or supplement the request, the ten (10) day period shall begin upon receipt of such additional information. (*Division of Family and Children; 470 IAC 12-1-5; filed Oct 26, 1983, 10:22 am: 7 IR 44; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 12-1-6 Emergency services

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-16-1

Sec. 6. (a) The provider shall be compensated for emergency services if:

(1) The services are provided to an eligible individual requiring the treatment of a medical or surgical emergency, the nature of which precludes submission of a request to the SDPW 590 element.

(2) The services are provided to an eligible individual whose condition which, though not a bonafide medical or surgical emergency, is such that delay of immediate medical attention would cause deterioration of the patient's condition. This provision does not authorize any service which safely can be delayed pending SDPW 590 element approval of a request.

(b) Claims for emergency medical services described in section 6(a)(1) above are exempted from the prior approval provisions of this rule [470 IAC 12], but must be appropriately and clearly identified and certified as such on billing forms.

(c) During the normal work week, telephonic requests may be made for services mentioned in section 6(a)(2) of this rule [470 IAC 12], where delay of such services would cause deterioration of the patient's condition or result in unnecessary confinement or expense. For such services required during other than the normal work week, such telephonic requests shall be made on the first state working day following delivery of the service. The procedure for making telephonic requests will be specified by the department, and will include the requirement for follow-up with a formal request. Telephone approval of a service shall not serve as the basis for billing. All telephone approvals must be documented through the formal request process, and the approved documentation used to support any claims resulting from the services. (*Division of Family and Children; 470 IAC 12-1-6; filed Oct 26, 1983, 10:22 am: 7 IR 44; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 12-1-7 Authorization, denial, or conditional approval; notice

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-16-1

Sec. 7. (a) A request may be approved, denied, or conditionally approved. Conditional approval authorizes a service subject to the SDPW 590 element limitations on the nature, extent, duration or cost of the service.

(b) The department shall give prompt notice of any approval, denial or conditional approval to the affected agency having jurisdiction over the eligible individual, and it shall be the responsibility of such affected agency to promptly notify the eligible individual of the department's action. (*Division of Family and Children; 470 IAC 12-1-7; filed Oct 26, 1983, 10:22 am: 7 IR 44; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 12-1-8 Appeals

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-16-1

Sec. 8. (a) The department's action in denying a request for covered medical services, or in granting conditional approval of such request, may be appealed by the individual in whose behalf the request was made.

(b) A person or entity who has provided any covered medical service may appeal the department's denial of compensation for same.

(c) All appeals from department action under 470 IAC 12 shall be governed by the provisions of 470 IAC 1-4. (*Division of Family and Children; 470 IAC 12-1-8; filed Oct 26, 1983, 10:22 am: 7 IR 44; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 12-1-9 Payment for services

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-16-1-3

Affected: IC 12-15-30; IC 12-16-1

Sec. 9. (a) The rate of payment for the services and materials provided under this rule [470 IAC 12] shall be the same as that applied to Title XIX services and materials pursuant to IC 12-1-7-17 [*Repealed by Acts 1984, P.L.80, SECTION 10. See IC 12-1-7-17.1*], except that, when an estimate has been provided, and the estimate is lower than either the submitted charge or the Title XIX reimbursement rate (where available), the reimbursement will be in the amount of the estimate. Payment made under this rule [470 IAC 12] shall be considered payment in full.

(b) Claims for payment shall be submitted on forms specified by the department. Claims shall be denied if they do not include all the information required by the department, or if they cover services which have not been approved by the department.

(c) A provider shall not bill this program more than the usual and customary charge to the provider's private pay customers.

(d) The procedure provided in 470 IAC 5-1-3.6 [405 IAC 1-1-5] for recovery of overpayments shall apply to the recovery of overpayments made to providers under this rule [470 IAC 12].

(e) The provisions of 470 IAC 5-5-1 [405 IAC 1-5-1] respecting maintenance of records shall apply to providers of covered medical services under this rule [470 IAC 12]. (*Division of Family and Children; 470 IAC 12-1-9; filed Oct 26, 1983, 10:22 am: 7 IR 45; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

ARTICLE 13. FEDERAL SOCIAL SERVICES BLOCK GRANT ACT

NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2) to the Division of Family and Children (470 IAC 13) by P.L.9-1991, SECTION 132, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 490 IAC 2, substitute 470 IAC 13.

Rule 1. Administration

470 IAC 13-1-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 1. (a) "Adults" means individuals who are age eighteen (18) or older.

(b) "Applicant" means an individual who makes formal application for or makes a request for social services.

(c) "Board" means the interdepartmental board for the coordination of human service programs.

(d) "Children" means individuals who are less than eighteen (18) years of age.

(e) "Family", for income eligibility purposes, means one (1) or more adults and children, if any, related by blood or law or otherwise living as a family unit and residing in the same household. Where adults, other than spouses, reside together, each is considered a separate family. Emancipated minors and children living under the care of individuals not responsible for that care are considered one-person families.

(f) "Necessary rates" are rates that are based upon costs which are usual and customary for the provision of the service being performed.

(g) "Provider" means the social service entity (individual, firm, partnership, corporation, state or local governmental unit, company, or association) under contract to provide social services.

(h) "Reasonable rates" are rates that are comparable and competitive with the going rate for comparable services in the locality where services are to be provided. If there are no other providers in the geographic area, reasonable and necessary rates are rates that are comparable and competitive on a statewide basis.

(i) "Recipient" means an eligible applicant who actually receives social services.

(j) "Social services" means services purchased using Federal Social Services Block Grant Act funds and state and local funds.

(k) "Social Services Block Grant Act (42 U.S.C. 1397)" means payments made to the state pursuant to Title XX of the Social Security Act (Sec. 1397(a)(1)), and within 490 IAC 2 the term is synonymous with the term SSBG Act. (*Division of Family and Children; 470 IAC 13-1-1; filed Dec 5, 1983, 3:01 pm: 7 IR 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) *NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-1) to the Division of Family and Children (470 IAC 13-1-1) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-2 Service development

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 2. The board shall, on an annual basis, define and describe in detail the services to be purchased with SSBG Act funds. (*Division of Family and Children; 470 IAC 13-1-2; filed Dec 5, 1983, 3:01 pm: 7 IR 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) *NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-2) to the Division of Family and Children (470 IAC 13-1-2) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-3 Purchase of services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 3. The following requirements apply to the purchase of services:

(1) The board authorizes the director of the social services fiscal office to enter into contracts for purchase of service on behalf of the board.

(2) Except for county departments of public welfare, the purchase of social services shall be made through written contracts which specify types of services to be provided, measurable service units, unit rates of reimbursement, units to be provided,

total dollars, eligible categories of recipients, service delivery sites, and fiscal and program responsibilities. For county departments of public welfare, contracts shall specify types of services to be provided, eligible categories of recipients, total dollars, and fiscal and program responsibilities.

(Division of Family and Children; 470 IAC 13-1-3; filed Dec 5, 1983, 3:01 pm: 7 IR 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-3) to the Division of Family and Children (470 IAC 13-1-3) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-4 Payment for services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 4. Except when approved by the board, payment for social services purchased under contract shall be made on a reimbursement basis after services have been rendered to individual recipients. Except for county departments of public welfare, reimbursements shall be made for documented units of service provided to eligible recipients. For county departments of public welfare, reimbursements shall be based upon an approved cost allocation plan. *(Division of Family and Children; 470 IAC 13-1-4; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-4) to the Division of Family and Children (470 IAC 13-1-4) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-5 Rates of payment

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 5. Rates of payment for units of social services purchased shall be reasonable and necessary for performance of services delivered, for maintenance of sound business practices, and for fulfilling the purpose of the service. Providers shall maintain records which support costs of service provision and methods used to establish rates. *(Division of Family and Children; 470 IAC 13-1-5; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-5) to the Division of Family and Children (470 IAC 13-1-5) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-6 Discrimination prohibited

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 6. Contracted providers of social services shall comply with the requirements of the Civil Rights Act of 1964. Contracted providers shall not discriminate against any recipient or applicant for services under the contract or any employee or applicant for employment, to be employed in the performance of the contract with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of sex, race, color, religion, national origin, ancestry, or handicap. *(Division of Family and Children; 470 IAC 13-1-6; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-6) to the Division of Family and Children (470 IAC 13-1-6) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-7 Nonsectarian services required

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 7. Services under contract shall be nonsectarian in nature. *(Division of Family and Children; 470 IAC 13-1-7; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-7) to the Division of Family and Children (470 IAC 13-1-7) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-8 Provider records; retention, review, and audit

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13-10

Sec. 8. Contracted providers of social services shall retain all service delivery and documentation records, service applications, and financial books and records for a period of at least three (3) years subsequent to the end of each contract period. Said records shall be subject at all reasonable times to inspection, review and audit by any persons duly authorized by the board. Records under audit shall be retained until the audit is finalized. *(Division of Family and Children; 470 IAC 13-1-8; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-8) to the Division of Family and Children (470 IAC 13-1-8) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-9 Documentation of delivery of services

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13-10

Sec. 9. Services provided under contract shall be documented on an individual recipient basis as services are delivered. The board delegates to the social services fiscal office responsibility for development of written procedures for proper methods of documentation. Such procedures will be provided to providers of social services. *(Division of Family and Children; 470 IAC 13-1-9; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-9) to the Division of Family and Children (470 IAC 13-1-9) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-10 Payment for services conditioned upon availability of funds; recovery of payments; fees for services

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13-10

Sec. 10. The following financial requirements shall apply to the purchase of services:

- (1) Payment for contracted services is subject to and conditioned upon the availability of SSBG Act funds; to the extent that:
 - (A) Should such funds be reduced, the board is under no obligation to pay for services rendered except to the extent that funds are available.
 - (B) Should such funds be denied the board pursuant to a financial or program audit of the board, the board may recover said funds by either setting off against amounts due and owing the contracted provider of social services under any current agreement or by demanding repayment from the contracted provider of social services.
- (2) Should funds be denied the contracted provider of social services pursuant to a financial or program audit of the provider by the board or its representatives, the board may recover said funds by either setting off against amounts due and owing the contracted provider of social services under any current agreement or by demanding repayment from the contracted provider of social services.
- (3) Fees for social services purchased under contract shall not be imposed upon the recipient of service other than fees permitted by the contract. Providers shall make reasonable efforts to collect fees and shall maintain documentation on file of such efforts.

(Division of Family and Children; 470 IAC 13-1-10; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-10) to the Division of Family and Children (470 IAC 13-1-10) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-11 Limitation on services

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13-10

Sec. 11. The following services limitations shall apply to the purchase of services.

- (1) Except when temporary emergency shelter is provided as a protective service, room and board services shall be available

only if room and board is a minor but essential adjunct to the service of which it is a part and is necessary to achieve the objective of that service.

(2) Except in family planning services, rehabilitation services or initial detoxification of a substance dependent individual, medical care shall be available only if medical care is a minor but essential adjunct to the service of which it is a part and is necessary to achieve the objective of that service.

(3) Child day care services shall be purchased under contract only if the provider is licensed by the state department of public welfare to provide child day care services.

(4) Educational services shall not be provided if such service is made available in local public school systems.

(5) Except services to substance dependent individuals or rehabilitation services, social services shall not be provided in and by employees of any hospital, skilled nursing facility, intermediate care facility, or prison, to any individual living in such an institution. Institutional employees includes staff, contractors, or other individuals whose activities are under the professional direction or direct supervision of the institution.

(6) Emergency shelter services shall be available as a protective service to children and adults who are in danger of abuse, neglect or exploitation for a period not to exceed thirty (30) days per episode for adults or thirty (30) days in a six (6) month period for children.

(Division of Family and Children; 470 IAC 13-1-11; filed Dec 5, 1983, 3:01 pm: 7 IR 350; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-11) to the Division of Family and Children (470 IAC 13-1-11) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-12 Eligibility for services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 12. (a) The board delegates responsibility to develop procedures necessary to determine eligibility for social services to the social services fiscal office.

(b) The board shall specify family income limits for services and whether documentation or declaration of income shall be permitted in eligibility determination.

(c) Social services recipients shall be residents of the state but there shall be no requirement as to duration of residence. Recipients who are temporary residents of the state shall be eligible for services. Transients are considered to be temporary residents.

(d) Prior to any reimbursement for social services, recipients shall be enrolled into the service by using forms and procedures prescribed by the social services fiscal office. When required, written applications shall be signed by the applicant or the applicant's authorized representative. If the applicant is incompetent, incapacitated, a minor, a ward of the court, or in emergency situations, an interested person or provider representative acting in behalf of the applicant may sign. For family planning services, all service recipients must sign the application to document that services are requested voluntarily.

(e) The provider shall determine each applicant's eligibility for services and shall complete the application form with information provided by or in behalf of the applicant.

(f) The following individuals shall be financially eligible for social services:

(1) individuals who receive aid to families with dependent children (AFDC), supplemental security income (SSI), or Medicaid benefits;

(2) individuals whose gross monthly family income is below income limitations specified by the board for each service;

(3) individuals who receive protective services specified by the board as being available without regard to income;

(4) individuals under age six (6) or age sixteen (16) or older who are mentally retarded or developmentally disabled for services specified by the board;

(5) individuals who are wards of the court or county department of public welfare for services specified by the board;

(6) individuals who are adjudicated delinquents and who are paroled or released from Indiana youth authority facilities or on probation status under juvenile court jurisdiction, adults and juvenile offenders in the custody of the department of correction, and adult offenders and ex-offenders for services specified by the board.

(g) Individuals must be determined to be in need of services by their request for services or as otherwise specified for each service. *(Division of Family and Children; 470 IAC 13-1-12; filed Dec 5, 1983, 3:01 pm: 7 IR 350; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-12) to the Division of Family and Children (470 IAC 13-1-12) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

ARTICLE 14. WELFARE REFORM INITIATIVE

Rule 1. Demonstration Project

470 IAC 14-1-1 Authority; definitions

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) The division of family and children shall operate a welfare reform initiative as a demonstration project entitled "Indiana Manpower Placement and Comprehensive Training Program" pursuant to waivers granted to the state by the United States Department of Health and Human Services and the United States Department of Agriculture under Section 1115 of the Social Security Act, as amended, and Section 17(b) of the Food Stamp Act, as amended. The demonstration shall be operated in accordance with the document entitled "Waiver Terms and Conditions" that was issued by the Department of Health and Human Services on December 15, 1994, as amended by the document entitled "Waiver Terms and Conditions" that was issued by the Department of Health and Human Services on August 16, 1996, which are incorporated by reference in this article.

(b) This article applies only while the demonstration is in effect and only with respect to applicants and recipients who are included in the demonstration treatment group as specified in this rule.

(c) Except as specifically waived by the terms and conditions of the demonstration, all program requirements under Title IV of the Social Security Act, as amended, and the Food Stamp Act, as amended, remain in effect.

(d) The following definitions apply throughout this article:

(1) "AFDC" means Assistance to Families with Dependent Children.

(2) "Division" means the division of family and children.

(3) "JOBS" means the Job Opportunities and Basic Skills Training program.

(4) "Parent or caretaker relative" means the parent or relative with whom a dependent child resides and whose needs and income are considered in determining AFDC eligibility.

(Division of Family and Children; 470 IAC 14-1-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-1-2 Random assignment

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2. (a) The demonstration shall be conducted statewide with a random assignment evaluation conducted statewide. All current AFDC recipients and new AFDC applicants shall be randomly assigned to one (1) of the following groups:

(1) An experimental group that shall be subject to the provisions of the demonstration.

(2) A nonexperimental treatment group that shall also be subject to provisions of the demonstration.

(3) A control group that shall be subject to provisions of Title IV of the Social Security Act, as amended, and the Food Stamp Act, as amended.

(b) The experimental and nonexperimental treatment groups together shall comprise the treatment group. *(Division of Family and Children; 470 IAC 14-1-2; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-1-3 Implementation

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 3. The implementation date of the demonstration shall be the first day on which the first case is made subject to any of the provisions of this article. The additions and modifications included in the amended "Waiver Terms and Conditions" shall be applied to applicants and recipients upon the earlier of an application for assistance, a redetermination of eligibility, or written notice to the assistance unit. *(Division of Family and Children; 470 IAC 14-1-3; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2405; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 2. AFDC Provisions Applicable to the Treatment Group

470 IAC 14-2-1 Personal responsibility agreement

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) Upon assignment to the treatment group, each parent or caretaker relative shall sign a Personal Responsibility Agreement that sets forth in writing the self-sufficiency activities for the assistance group.

(b) AFDC benefits shall be reduced by ninety dollars (\$90) per month for a parent or caretaker relative's failure or refusal, without good cause, to sign a Personal Responsibility Agreement.

(c) As used in this section, "good cause" means that the individual is determined to be mentally incompetent by a licensed mental health professional and does not understand the requirements of the Personal Responsibility Agreement. (*Division of Family and Children; 470 IAC 14-2-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2405; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 14-2-2 Family benefit cap

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15; IC 35-42-4-3

Sec. 2. (a) No additional AFDC cash benefit shall be issued due to the birth of a child when the birth occurs more than ten (10) calendar months after the date of authorization for AFDC, except as specified in this section.

(b) The benefit cap shall not apply:

(1) when the additional child was conceived as a result of incest or rape which would be considered a crime under state law or conduct that is a crime under IC 35-42-4-3, and which is verified by physician statement or police records;

(2) to children who are the firstborn (including all children in the case of a multiple birth) of minors included in an AFDC assistance group who become first-time minor parents;

(3) to a child who does not reside with his or her parent;

(4) to a child who was conceived in a month the family was not receiving AFDC; or

(5) to a child who has a substantial physical or mental disability.

(c) The additional child and any additional individuals who are required to be included in the assistance unit under Section 402(a)(38) of the Social Security Act shall be included in the need standard for purposes of determining AFDC eligibility and shall be considered an AFDC recipient and eligible for Medicaid. In determining the AFDC payment for a family, the needs and income of the additional child and any additional individuals who were not in the assistance unit at the time of the additional child's birth and would not have been included in the assistance unit at the time of the child's birth had the child not been born will not be considered.

(d) A monthly voucher in the amount of one-half (½) of the AFDC grant amount which would be available to an otherwise eligible child may be authorized for goods and services related to the general care of children who are not eligible for a cash benefit as provided in this section. (*Division of Family and Children; 470 IAC 14-2-2; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2405; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 14-2-3 Immunization requirement

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 3. (a) At the next scheduled redetermination of eligibility following the authorization of initial eligibility for AFDC and at each subsequent redetermination of eligibility, it shall be verified that all children who are AFDC recipients have received their childhood immunizations as recommended by the American Academy of Pediatrics.

(b) If the parent or caretaker relative fails or refuses to comply with the immunization requirements, the division shall review the circumstances to determine whether a sanction under subsection (c) should be imposed. A sanction shall not be imposed until the reason for the failure to comply has been identified and any barriers to compliance have been addressed.

(c) AFDC benefits shall be reduced by ninety dollars (\$90) per month for a parent or caretaker relative's failure or refusal,

without good cause, to comply with the requirements of this section.

(d) As used in this section, "good cause" means either of the following:

(1) The recipient refuses to have a child immunized because of religious beliefs.

(2) The recipient has documented medical evidence from a licensed health care professional that an immunization is not available or appropriate for a child.

(e) Sanctions imposed under subsection (c) shall cease when the division receives verification that the required immunizations have been received. (*Division of Family and Children; 470 IAC 14-2-3; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2028; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2406; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 14-2-4 School attendance requirement

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15; IC 20-8.1-3-19

Sec. 4. (a) If a child who is an AFDC recipient has more than three (3) unexcused absences as defined by the school district during a semester or grading period, an evaluation of the circumstances shall be completed to determine the reasons for the child's nonattendance. A written plan shall be developed that is designed to remedy the child's attendance problems, establish milestones for attendance, and redress problems associated with an inadequate level of attendance.

(b) If the parent or caretaker relative fails or refuses, without good cause, to comply with the written plan developed under subsection (a) or to consent to the release of school attendance information when such consent is required to obtain school attendance information, the AFDC benefit shall be reduced by an amount equal to removing the needs of the parent or caretaker in the calculation of the AFDC assistance payment, until compliance.

(c) If the parent or caretaker relative has cooperated in the plan developed under subsection (a) and the child's attendance in any subsequent semester or grading period is not at an adequate level, the family's AFDC grant shall be reduced by an amount equal to removing the needs of the relevant child until the end of the semester or grading period.

(d) If the parent or caretaker relative fails or refuses to cooperate in the plan developed under subsection (a) and the child does not meet the attendance standard, the AFDC benefit shall be reduced by an amount equal to removing the needs of the parent or caretaker relative and the child.

(e) As used in this section, "good cause" means any of the following:

(1) The child's absence is due to behavioral problems that are being monitored by the school or other treatment professional, and the parent is complying with a plan established by a recognized treatment professional, but the child is suspended or expelled and no alternative education situation exists for the child as confirmed by the school counselor.

(2) The child has a physical or mental condition as determined by a licensed health care professional, consistent with IC 20-8.1-3-19, that, as confirmed by the school, prohibits the child from integrating into the normal school environment and there is no alternative educational situation for the child.

(3) The actions required of the parent or caretaker relative under subsection (a) were beyond the capability of the parent or caretaker relative.

(4) The division did not provide the services needed in order for the parent or caretaker relative to perform the required actions.

(*Division of Family and Children; 470 IAC 14-2-4; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2028; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2406; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 14-2-4.1 Requirement for a safe secure home

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 4.1. (a) Recipients shall raise their children in a safe, secure home.

(b) As used in this section, "safe, secure home" means that the home is free of substantiated domestic violence or substantiated incidents of child abuse or neglect.

(c) Failure or refusal, without good cause, to comply with counseling or other actions determined to be appropriate related to instances of substantiated child abuse or neglect or domestic violence shall result in the imposition of a fiscal sanction of ninety dollars (\$90) per month, until compliance.

(d) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-2-4.1; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2407; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-4.2 Prohibition on use of illegal drugs

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 4.2. (a) Recipients shall not use illegal drugs or abuse other substances that would interfere with their ability to be self-sufficient.

(b) Individuals found out of compliance with this section shall be referred to a state approved alcohol and drug addiction service provider for an assessment and treatment recommendation.

(c) Failure or refusal, without good cause, to comply with a treatment program, as recommended by the addiction service provider, shall result in the imposition of a fiscal sanction of ninety dollars (\$90) per month, until compliance.

(d) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency or addiction service provider did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-2-4.2; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2407; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-4.3 Work registration requirement

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 4.3. (a) At the time of application for AFDC and at each redetermination of eligibility, the parent or caretaker relative shall register for work with the local employment and training office.

(b) Failure or refusal, without good cause, to register for work will result in ineligibility for the entire assistance unit, until compliance.

(c) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-2-4.3; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2407; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-5 Sanction for voluntary termination of employment

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 5. (a) The amount of AFDC benefits for an applicant or recipient family which includes an individual:

(1) whose needs and income are considered in determining AFDC eligibility; and

(2) who has, without good cause, voluntarily reduced hours of employment or quit a job of twenty (20) hours or more per week during the six (6) month period immediately preceding the date of application for AFDC or at any time thereafter;

shall be calculated without consideration of the needs of that individual for a period of six (6) months from the date of the quit or reduction in earnings.

(b) As used in this section, "good cause" means any of the following:

(1) A substantiated incident of discrimination by any employer based on age, race, sex, color, handicap, religious beliefs, national origin, political beliefs, or marital status.

(2) Work demands or conditions that render continued employment financially unacceptable, such as working without being

paid on schedule.

(3) Leaving a job in connection with patterns of employment in which workers frequently move from one (1) employer to another, such as migrant farm labor or construction work.

(4) The individual quit to accept a bona fide job offer, with the approval of the caseworker, that would result in increased earnings or benefits.

(5) The individual was unable to obtain or maintain necessary care for a dependent minor child or an incapacitated adult residing in the home.

(6) The employment site violates applicable state or federal health and safety standards.

(Division of Family and Children; 470 IAC 14-2-5; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2029; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2407; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-6 Modification of JOBS exemption criteria

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 6. The exemption criteria under the JOBS program under Titles IV-A and IV-F of the Social Security Act are modified as follows:

(1) An individual shall not be exempt because of being required to provide care for a child who is subject to the family benefit cap under section 2 of this rule, unless the child is less than twelve (12) weeks of age.

(2) An individual shall not be exempt because of being required to provide care for a child over twelve (12) weeks of age, subject to the following phase-in schedule:

(A) Beginning with the effective date of this rule, the exemption shall apply when an individual is required to provide care for a child up to two (2) years of age.

(B) Six (6) months from the effective date of this rule, the exemption shall apply when an individual is required to provide care for a child up to one (1) year of age.

(C) Twelve (12) months from the effective date of this rule, the exemption shall apply when an individual is required to provide care for a child up to six (6) months of age.

(D) Eighteen (18) months from the effective date of this rule, the exemption shall apply when an individual is required to provide care for a child up to twelve (12) weeks of age.

(3) An individual shall not be exempt because of living in a rural or hard to access area, provided the following:

(A) No participant shall be required to remain away from home overnight.

(B) The total daily commuting time between home and the program activity site to which the participant is assigned shall not normally exceed two (2) hours, not including the transporting of a child to and from child care. If a longer commuting time is generally accepted in the community, then the round-trip commuting time shall not exceed the generally accepted community standards without the participant's consent.

(4) An individual shall not be exempt because of being employed thirty (30) or more hours per week.

(Division of Family and Children; 470 IAC 14-2-6; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2029; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2408; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-7 Employment and training assessment (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412)*

470 IAC 14-2-8 AFDC unemployed parent 100-hour rule

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 8. AFDC recipient eligibility for children of unemployed parents under 45 CFR 233.100 shall be extended to otherwise eligible two (2) parent families when the principal wage earner works one hundred (100) or more hours per month. *(Division of Family and Children; 470 IAC 14-2-8; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2030; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2408; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 3. Placement Track

470 IAC 14-3-1 Time limited benefits

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) The receipt of AFDC cash benefits shall be limited to a total of twenty-four (24) months for adults who are not exempt from the JOBS program.

(b) Assistance received by adults who were subject to time limited benefits prior to implementation of this rule shall be counted towards the twenty-four (24) month time limit.

(c) An extension of the twenty-four (24) month time limit shall be granted, in any of the following circumstances, to an individual who has cooperated with program requirements and who has substantially complied with the requirements of their self-sufficiency or employability plan:

(1) The division substantially failed to provide the services specified in the individual's self-sufficiency or employability plan.

(2) Despite all appropriate efforts, at or after the time limit, the individual has been unable to find, or has lost without cause, employment that, in combination with other income, would provide the family with income at least equal to the AFDC grant amount plus the ninety dollar (\$90) work expense allowance.

(3) The director of the division makes a determination that there are other unique circumstances, such as the adverse effects of a natural disaster or other catastrophic event beyond the control of the individual, that temporarily prevent the individual from obtaining or retaining employment.

(Division of Family and Children; 470 IAC 14-3-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2030; errata filed May 10, 1995, 1:45 p.m.: 18 IR 2262; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2408; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-2 Sanctions for noncompliance with employment and training requirements

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2. (a) The following sanctions shall be applied to adults who have failed or refused without good cause to comply with the employment and training requirements of the JOBS program, including the requirements set forth in the self-sufficiency or employability plan:

(1) The first occurrence of noncompliance shall result in the following sanctions:

(A) Loss of the adult's AFDC eligibility for a period of two (2) months or until the noncompliant behavior ceases, whichever is longer.

(B) Loss of the adult's Medicaid eligibility until the noncompliant behavior ceases.

(2) The second occurrence of noncompliance shall result in the following sanctions:

(A) Loss of the adult's AFDC eligibility for a period of twelve (12) months or until the noncompliant behavior ceases, whichever is longer.

(B) Loss of the adult's Medicaid eligibility for a period of six (6) months or until the noncompliant behavior ceases, whichever is longer.

(3) The third or subsequent occurrence of noncompliance shall result in the following sanctions:

(A) Loss of the adult's AFDC eligibility for a period of thirty-six (36) months or until the noncompliant behavior ceases, whichever is longer.

(B) Loss of the adult's Medicaid eligibility for a period of six (6) months or until the noncompliant behavior ceases, whichever is longer.

(4) Under the sanctions specified in this section, when the period of AFDC ineligibility exceeds that of Medicaid ineligibility, the adult under sanction shall be considered an AFDC recipient for purposes of Medicaid eligibility.

(b) As used in this section, "good cause" means the following:

(1) Except as specified in subdivision (2), either of the following shall constitute good cause for an individual's failure or refusal to cooperate in developing a self-sufficiency or employability plan or failure or refusal to comply with the requirements of the plan:

(A) The required actions were beyond the capability of the participant to perform.

(B) The agency did not provide the services needed by the individual to perform the required actions.

(2) If the noncompliant behavior is that the individual voluntarily reduced hours of employment or voluntarily quit employment, good cause shall have the same meaning as set forth in 470 IAC 14-2-5(b).

(Division of Family and Children; 470 IAC 14-3-2; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2030; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2409; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-2.1 Sanctions for JOBS volunteers

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2.1. An exempt individual who volunteers to participate in the JOBS program who fails to attend or participate regularly, without good cause, as established for the JOBS program shall be subject to the JOBS sanctions as set forth in 45 CFR 250.34.

(Division of Family and Children; 470 IAC 14-3-2.1; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-2.2 Community work experience program

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2.2. (a) For purposes of participation in the community work experience program (CWEP), exemptions shall be limited to the following:

(1) The individual is needed in the home to provide care for a child twelve (12) weeks of age or younger (in accordance with the phase-in schedule in 470 IAC 14-2-6(a)(2)), or for a disabled child or other disabled household member.

(2) The individual is unable to work because of illness or incapacity, including pregnancy, if medical documentation is provided.

(3) The individual is a full-time VISTA volunteer.

(b) Failure or refusal, without good cause, to comply with the CWEP assignment will result in the imposition of the sanctions set forth in section 2 of this rule.

(c) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-3-2.2; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-2.3 Job search

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2.3. (a) Job search may be required, without an assessment, for adult parent or caretaker relatives applying for AFDC who are determined to be able-bodied, unless the adult is:

(1) needed in the home to provide care for a child twelve (12) weeks of age or younger (in accordance with the phase-in schedule referenced in 470 IAC 14-2-6(a)(2)) or a disabled child or disabled household member; or

(2) a full-time VISTA volunteer.

(b) Failure or refusal, without good cause, to comply with the applicant job search requirements shall result in the imposition of the sanctions set forth in section 2 of this rule.

(c) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-3-2.3; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-3 Thirty-six month period of ineligibility (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412)*

470 IAC 14-3-4 Transitional child care

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 4. An adult subject to the AFDC benefit time limit shall not receive more than twelve (12) months of transitional child care benefits for their dependent children. Eligibility for transitional child care shall be limited to families whose income is less than one hundred thirty-three percent (133%) of the federal poverty guideline for the family size. *(Division of Family and Children; 470 IAC 14-3-4; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2032; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-5 Resource limit

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 5. The AFDC resource limit for a recipient assistance unit shall be one thousand five hundred dollars (\$1,500). *(Division of Family and Children; 470 IAC 14-3-5; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2032; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-6 Grant diversion and fixed grant

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 6. (a) An adult subject to the AFDC benefit time limit who enters employment in a job that qualifies as a work supplementation job under 45 CFR 250.62 may have the grant diverted to the employer to subsidize part or all of the individual's wages. Any residual AFDC grant shall be calculated at the time of placement with the employer and recalculated during the grant diversion period in accordance with AFDC policy provisions regarding grant calculation. The grant diversion period shall end when the adult's AFDC cash benefit time limit ends or when the monthly income of the AFDC family is at least equal to the monthly federal poverty guideline, whichever occurs first.

(b) An adult subject to the AFDC benefit time limit who enters employment in a job that does not qualify as a work supplementation job under 45 CFR 250.62 shall not have the grant diverted. The AFDC grant minus earnings and other countable income shall be calculated at the time of entry into employment and shall remain fixed at that level until the adult's AFDC benefit time limit ends or the monthly income of the AFDC family is at least equal to the monthly federal poverty guideline, whichever occurs first. *(Division of Family and Children; 470 IAC 14-3-6; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2032; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-7 AFDC fraud penalty

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 7. The disqualification penalties under the state's AFDC fraud control program are modified as follows:

(1) An individual convicted in a state or federal court of a misdemeanor of having committed fraud for the purposes of establishing or maintaining eligibility or increasing benefits under AFDC will be ineligible for AFDC for twelve (12) months for the first and second offense and permanently for a third offense.

(2) If the conviction is a felony, the individual shall be ineligible for AFDC for ten (10) years for the first and second offenses and permanently for a third offense.

(Division of Family and Children; 470 IAC 14-3-7; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; errata filed Jul 9, 1997, 10:45 a.m.: 20 IR 3016; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-8 Minor parents

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 8. AFDC eligibility will be denied to a minor parent and her child if the minor is not living with an adult who is related as parent, stepparent, or grandparent or an adult who holds legal guardianship or legal custody of the minor parent except as follows:

(1) An adult who is not a parent, stepparent, or grandparent has agreed to pursue legal guardianship or custody, but the arrangements are not yet final.

(2) The conditions set forth in Section 402(a)(43)(B) of the Social Security Act exist.

(Division of Family and Children; 470 IAC 14-3-8; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-9 Child care payments in lieu of AFDC benefit payments

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 9. (a) Employed AFDC recipients may elect to receive, in lieu of a regular AFDC benefit payment, either of the following:

(1) The amount of guaranteed child care benefits determined in accordance with current law.

(2) A monthly payment equal to the AFDC benefit paid to the family when no income from the current employment was counted.

(b) The recipient shall be eligible to receive the payment in subsection (a)(2) for each month in which the recipient would be eligible to receive a guaranteed child care payment. *(Division of Family and Children; 470 IAC 14-3-9; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-10 Child support enforcement

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 10. (a) Failure or refusal, without good cause, by a parent or caretaker relative applying for or receiving AFDC to cooperate with child support enforcement regarding establishment of paternity for a child in the assistance unit shall result in denial of AFDC benefits for the parent or caretaker relative.

(b) If, without good cause, the refusal or failure continues for a period of six (6) months, the penalty shall be denial of assistance to the parent or caretaker relative and the relevant child until compliance.

(c) As used in this section, "good cause" means the circumstances specified in 45 CFR 232.42. *(Division of Family and Children; 470 IAC 14-3-10; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-11 AFDC eligibility test

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 11. In determining continuing eligibility for AFDC, the division shall use the federal poverty guideline for the family size. Assistance units with earnings and other countable income at least equal to the federal poverty guideline for the family size shall be ineligible for AFDC. *(Division of Family and Children; 470 IAC 14-3-11; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-12 AFDC cash benefit for Welfare Reform Treatment Group

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14-2; IC 12-15

Sec. 12. In determining the amount of AFDC cash benefit for recipient families assigned to the Welfare Reform Treatment

Group, any earned or unearned income received by or deemed available to members of the assistance group shall not be considered in computing the AFDC cash benefit. The recipient family shall receive the maximum benefit allowable, based on the number of eligible members in its assistance group, until the family is no longer eligible for AFDC under IC 12-14-2. (*Division of Family and Children; 470 IAC 14-3-12; filed Dec 5, 2000, 2:25 p.m.: 24 IR 994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 4. Food Stamp Provisions Applicable to the Treatment Group

470 IAC 14-4-1 Eligibility

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) The eligibility periods for food stamps shall be continuous until information is received by the division indicating the household no longer meets the requirements of the food stamp program.

(b) For purposes of determining food stamp eligibility and benefit level, child support payments and earnings shall be disregarded as income for a six (6) month period following the initiation of employment.

(c) For purposes of determining food stamp benefits, earned income changes required to be reported will be limited to changes in the income source, hourly rate or salary, or employment status to and from part time and full time. (*Division of Family and Children; 470 IAC 14-4-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2033; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 14-4-2 Appeals

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2. Requests for fair hearing in the food stamp program shall be submitted in writing. (*Division of Family and Children; 470 IAC 14-4-2; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2033; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

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